



P.O. Box 1749  
Halifax, Nova Scotia  
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**Item No. 11.1.6**  
**Halifax Regional Council**  
**December 2, 2014**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer

Original Signed by   
Mike Labrecque, Deputy Chief Administrative Officer

**DATE:** November 6, 2014

**SUBJECT:** Amendments to Halifax Regional Municipality Administrative Order 58, the  
*Delegation of Certain Authorities Administrative Order*

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#### **ORIGIN**

This report originates from staff in respect of operational requirements of both the Halifax Regional Police and the Municipality in general.

#### **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, 2008, SNS, c39, as amended, subsection 59(3) "the Council may adopt policies on any matter that the Council considers conducive to the effective management of the Municipality".

*Police Act*, 2004 SNS, c. 31, as amended, sub-section 38(4) "In accordance with this Act or the regulations or a direction of the board pursuant to Section 52, the responsibilities of the chief officer include: (a) the management, administration and operation of the police department".

#### **RECOMMENDATION**

It is recommended that Halifax Regional Council:

- 1) Adopt the amendments to Administrative Order 58, the *Delegation of Certain Authorities Administrative Order*, to delegate the authorities set out in Attachment 2 to the Chief of Police; and
- 2) Adopt the amendments to Administrative Order 58, the *Delegation of Certain Authorities Administrative Order*, to delegate the authorities set out in Attachment 2 to the Chief Administrative Officer and staff.

**BACKGROUND**

**Police**

By virtue of clause 38(4)(a) of the *Police Act*, from 1996 onward, the four chiefs of Halifax Regional Police (“HRP”), during their respective tenures, have been signing, on behalf of HRP and by extension, HRM, various documents to ensure the effective and constant management of HRP operations and administration. In late 2013, this practice was reviewed and staff determined that, in the absence of an explicit delegation in the *HRM Charter* or by Regional Council, there was uncertainty whether the Chief of Police (“Chief”) could sign contracts and memorandums of understanding on behalf of the Municipality.

For the purposes of this Report “agreement” refers to memorandum of understanding, letter of agreement, and contract between HRP and another person or government.

To be more precise, the following details the instances that arise regularly, some of which occur on a daily basis, which affect the management, administration and operation of the HRP and which often involve a net financial benefit to HRP. These instances do not involve expenditures being made by HRM but do require contracts to be approved and signed by the Chief or his designate. The above describes

- 1) an agreement with Provincial and federal government agencies and agents of Her Majesty the Queen;
- 2) memoranda of understanding and letter of agreement with ports of call or places of entry located within the geographic boundaries of Halifax Regional Municipality, provided there is cost recovery;
- 3) an agreement regarding activities or events within Canada, provided there is cost recovery for such activities and events, and provided such activities and events are: of national interest; required for security; or are in respect of public safety, crime prevention or an emergency intervention;
- 4) an agreement regarding activities or events outside of Canada, including peacekeeping, police development or police training provided there is cost recovery or provided the activities or events are cost neutral;
- 5) an agreement involving training activities or events for employees of the HRP within Canada for which there is at least partial cost recovery;
- 6) an agreement involving collaboration or cooperation with regard to matters relating to law enforcement, police services and intelligence operations with other law enforcement and government agencies;
- 7) information sharing agreements with other law enforcement and government agencies;
- 8) waiver of provisions of the collective bargaining agreement between the Municipality and the Halifax Regional Police Association (“HRPA”), which in the opinion of the Chief have no financial repercussions for the Municipality and provided the waiver is approved by the Chief and the CAO, or the CAO’s delegate, and providing the waiver would not otherwise prejudice the Collective Agreement; and
- 9) non-financial partnership agreements with non-profit organizations or registered Canadian charitable organizations.

**Chief Administrative Officer**

The *HRM Charter* grants the CAO the authority, subject to policies adopted by the Council,

to make or authorize expenditures, and enter into contracts on behalf of the Municipality, for anything required for the Municipality where the amount of the expenditure is budgeted or within the amount determined by the Council by policy, and may delegate this authority to employees of the Municipality.

This provision does not expressly grant the CAO the authority to make or authorize agreements where there is no expenditure being made by the Municipality but a contract is still required such as a contract where the Municipality is receiving monies (revenue) or where there is a mutual exchange of services.

## **DISCUSSION**

### **Police**

Under the *Police Act*, Halifax Regional Council appoints a Chief who is afforded certain responsibilities pursuant to clause 38(4)(a). The Chief is responsible for the management, administration and operation of the police department [38(4)(a)]. Further, the Chief is responsible to promote programs to enhance policing services [38(4)(g)]. The Chief is also responsible for the day-to-day direction of the police department with respect to the enforcement of law and the maintenance of discipline within the department.

Presently, current delegation of authorities by Council to “Directors” does not explicitly include a delegation to the “Chief”. The Chief does not have the title “Director” although he is the head of the police department just as any other Director of the Municipality is the head of his or her Department. To provide certainty, staff is recommending that an interpretative provision be added to expressly say the Chief is a Director for the purposes of the delegations by Council. This will ensure the Chief is afforded the same delegation of authorities, as the Directors of all the various other departments of HRM.

In addition, as the legislation is currently written, the Chief does not have expressed authority to enter into any agreement, thus affecting his ability to effectively and efficiently operate HRP services. HRP provides emergency services to the Municipality; expeditious and swift decisions are often required to effectively manage the operations of police services. The *Police Act* contemplates the nature of the Chief’s position and codified certain responsibilities the Chief must uphold. However, with the current legislation being unclear, the Chief’s ability to enter into agreements is constrained, and is hampering the effective fulfillment of his legislated responsibilities. The parameters proposed above would afford the Chief the authority to enter into agreements, allowing for the effective management, administration and operation of HRP services.

In order to ensure that on an ongoing basis the Chief and his delegate(s) have the appropriate authority to enter into such agreements, it is recommended that Halifax Regional Municipality Administrative Order Number 58 be amended to allow for the delegation and sub-delegation of certain approval and signing authorities. While the defined list above will not encompass all agreements HRP will require to operate effectively, it should provide sufficient parameters to allow the Chief to effectively and efficiently manage, administer and operate HRP services on a daily basis.

The proposed amendments respecting the Chief will not modify in any way the protections and compliance required for the procurement of goods and services and would not allow for any substantive or permanent variance or waiver of the dispositions of the collective bargaining agreements with HRP. The modifications would simply allow the Chief to fulfill his *Police Act* mandate of being able to manage the administration and operations of HRP without constantly requiring Council’s approval..

### **Chief Administrative Officer**

Under the *HRM Charter*, Council must appoint a CAO [section 33]. Once appointed, the CAO is responsible to the Council for the proper administration of the affairs of the Municipality in accordance with the by-laws and policies adopted by the Council [subsection 34(1)]. One such policy is the *Procurement Policy*.

The *Procurement Policy* provides the framework for the delegation of the authority to make or authorize expenditures on behalf of the Municipality. The *Procurement Policy* provides the ability to authorize the awarding of contracts but is only triggered when there is an actual **expenditure** of funds. The *Procurement Policy* **does not** apply when the Municipality is not expending funds, including when the Municipality is receiving funds (revenue).

The current approval authorities for the approving of contracts within the *Procurement Policy* are as follows:

- An award not exceeding \$50,000 may be committed by the Manager of Procurement and Director (or Director's delegate);
- An award not exceeding \$500,000 may be committed by the CAO; and
- An award exceeding \$500,000 must be considered by Regional Council.

The proposed changes to Administrative Order 58 will grant staff the same authority to receive funds (revenues) as the current *Procurement Policy* grants staff for the expenditures of funds. Accordingly, staff is recommending:

- Revenues not exceeding \$50,000 may be accepted by the Director;
- Revenues not exceeding \$500,000 may be accepted by the DCAO or CAO; and
- Revenues exceeding \$500,000 would go to Council for approval.

In addition, there are contracts that are neither expenditure nor revenue in nature. Such agreements normally have mutual obligations between the Municipality and another party such as an agreement consenting to the assignment of an existing lease that has been awarded under the Transaction Policy or a service level agreement with another public body.

Staff is recommending the CAO, or his delegate, be granted the authority to enter into contracts that do not have an expenditure or revenue component which will assist in the proper administration of the affairs of the Municipality.

#### **Housekeeping**

There are also several housekeeping amendments being recommended by staff, as follows:

- correcting the definition in clause 9(a) of CAO to replace the word "Order" with "Officer";
- adding a definition of "Municipality" to mean the Halifax Regional Municipality and replacing the abbreviation "HRM" with "the Municipality" for consistency throughout the Administrative Order;
- correcting the numerical reference in section 15; and
- replacing the word "least" modifying "market value" with the word "less" in section 15.

#### **FINANCIAL IMPLICATIONS**

As indicated previously, there are no financial implications involved in the proposed amendments.

#### **COMMUNITY ENGAGEMENT**

As this is a purely administrative matter, there are no community engagement implications.

#### **ENVIRONMENTAL IMPLICATIONS**

There are no identified environmental implications.

**ALTERNATIVES**

Council could decide not to delegate the all or some of the authorities. This is not recommended as it will affect the operation of HRP and the Municipality in general.

**ATTACHMENTS**

- Attachment 1 Showing Proposed Changes to Administrative Order 58
- Attachment 2 Amending Administrative Order
- Attachment 3 Incorporating Proposed Changes to the Administrative Order 58.

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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 & Approved by: \_\_\_\_\_  
Jean-Michel Blais, Chief of HRP, 490-6500

Report Prepared by: Ashley Dutcher, Solicitor, 490 4226  
Derk Slaunwhite, Senior Solicitor, 490 4226

Report approved by: \_\_\_\_\_  
John Traves, Q.C., Director, Legal, Insurance & Risk Management  
Services, 490 4226

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Attachment 1  
(Showing Proposed Changes)

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HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 58  
RESPECTING THE DELEGATION OF  
CERTAIN AUTHORITIES

**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 the *Delegation of Certain Authorities Administrative Order*.

**Application**

2. This Administrative Order applies to all employees of the Municipality ~~who are authorized hereunder to approve and sign:~~

~~— (a) a non-disclosure agreement; or~~

~~— (b) a rental agreement for a facility or municipal land on behalf of the Municipality;~~

3. Nothing in this *Administrative Order* limits or otherwise restricts any other authorities delegated by Council to staff including the authorities delegated under the Transaction Policy - Real Property Acquisitions and Disposals.

4. Nothing in this *Administrative Order* shall be construed as to limit or otherwise restrict Council's discretion to grant a lease at market value rent or less than market value rent.

5. A rental agreement authorized by this *Administrative Order* shall:

(a) only grant a license to use the facility or municipal land for a maximum certain time-period;  
and

(b) not be transferable or assignable.

6. When determining the delegated authorities for approving and signing less than market value rent, the approving and signing authorities shall be determined by reference to the actual market value of the rent without reduction.

7. The authorities delegated to the Divisional Manager or the Director under this Administrative Order may be further delegated by the Divisional Manager or the Director to his or her staff.

8. In this Administrative Order, a delegation up to a specific dollar amount for market value rent shall:

(a) include a delegation up to and including the expressed dollar amount.

(b) exclude any Harmonized Sales Tax that may be payable.

**Interpretation**

9. In this Administrative Order,

(a) "CAO" means the Chief Administrative-~~Order~~ **Officer** of the Municipality;

(aa) "Canadian Municipality" means a municipal body that is located within the boundaries of Canada, such as a regional municipality, city, town, village, and municipality of a county or district;

(ab) "Chief" means the Chief of Police of the Halifax Regional Police and includes:

- (i) an officer acting as the Chief of Police, and
- (ii) the Deputy Chief or a Superintendent pursuant to section 21;
- (b) “DCAO” means the Deputy Chief Administrative ~~Order~~ Officer of the Municipality;
- (c) “Director” means a Director of a Department of the Municipality;
- (d) “facility” means a building or part of a building that:
  - (i) is owned or leased by the Municipality;
  - (ii) is operated by the Municipality; and
  - (iii) is used, in whole or in part, for athletic, cultural, recreational or sporting Purposes;
- (da) “HRPA” means the Halifax Regional Police Association;
- (e) “market value rent” means the most probable rent which municipal land or a facility should bring in a competitive and open market under conditions requisite to a fair agreement;
- (f) “municipal land” means real property owned or leased, in whole or in part, by the Municipality for athletic, recreational or sporting purposes;
- (g) “non-disclosure agreement” means an agreement relative to an exchange of confidential information between ~~HRM~~ the Municipality and other persons, whether or not ~~HRM~~ the Municipality is negotiating or has entered into an agreement with such person;
- (ga) “Municipality” means the Halifax Regional Municipality;
- (h) “non-profit organization” means a group, organization or incorporated body that is not conducted primarily for profit; ~~and~~
- (ha) “revenue agreement” means an agreement between the Municipality and another person or entity wherein,
  - (i) the Municipality accepts or receives money from such person or entity;
  - (ii) the Municipality is not required, pursuant to the agreement, to make an expenditure of money; and
  - (iii) there is an exchange of obligations; and
- (i) “maximum rental period” includes all renewal periods.

**Delegation – Non Disclosure Agreements**

10. (1) Council hereby delegates the authorities to approve and sign non-disclosure agreements to the CAO, where in the opinion of the CAO:

- (a) such agreements are necessary to advance contractual negotiation; or
  - (b) such agreements are in the best interests of the Municipality;
- (2) The DCAO may act in the place and in the stead of the CAO for the purposes of this section when the CAO is absent or at the request of the CAO.



**Delegation – Market Value Rent**

11. All renters of a facility or municipal land must pay market value rent.

12. Council hereby delegates the authorities to approve and sign a rental agreement for a facility or municipal land, at market value rent, as follows:

| <b>Maximum Rental Period or Term</b> | <b>Annual Market Value Rent (excluding HST)</b> | <b>Approval Authority</b> | <b>Signing Authority</b> |
|--------------------------------------|---|---------------------------|--------------------------|
| one (1) year                         | \$1 - \$25,000                                  | Divisional Manager        | Divisional Manager       |
| one (1) year                         | \$1 - \$50,000                                  | Director                  | Director                 |
| one (1) year                         | \$1 - \$100,000                                 | DCAO or CAO               | DCAO or CAO              |
| as approved by Council               | \$100,001 and over                              | Council                   | Mayor and Clerk          |

**Delegation - Less than Market Value Rent**

13. Council hereby considers a non-profit organization to be carrying on an activity that is beneficial to the Municipality, if in the opinion of the delegate:

- (a) the entity is a non-profit organization;
- (b) the non-profit organization is using, in whole or in part, a facility or municipal lands;
- (c) the non-profit is holding a sporting event, community event, recreational event, entertainment event, or cultural event including artistic performances.

14. Notwithstanding section 11, Council hereby authorizes less than market value rent to be charged to a non-profit organization who is carrying on an activity that is beneficial to the Municipality pursuant to clause 13(c) of this Administrative Order.

15. Subject to sections **12 and 13** **13 and 14**, Council hereby delegates the authorities to approve and sign rental agreements for a facility or municipal land, with a non-profit organization at **least less** than market value rent, as follows:

| <b>Annual Market Value Rent (excluding HST)</b> | <b>Approval Authority</b>      | <b>Signing Authority</b>       | <b>Maximum Rental Period or Term</b> |
|---|--------------------------------|--------------------------------|--------------------------------------|
| \$1 - \$25,000                                  | Divisional Manager or Director | Divisional Manager or Director | one (1) year                         |

**Delegation - Non Expenditure Agreements With Revenue Component**

16. (1) Council hereby delegates the authority to make or approve and enter into revenue agreements, any amendments to revenue agreements and to agree to assignments of agreements, on behalf of the Municipality, as follows:

| <b>Total Amount of Money to be Received</b> | <b>Approval Authority</b> | <b>Signing Authority</b> |
|---|---------------------------|--------------------------|
| \$0 - \$50,000                              | Director                  | Director                 |
| \$0 - \$500,000                             | DCAO or CAO               | DCAO or CAO              |
| \$500,001 and over                          | Council                   | Mayor and Clerk          |

- (2) Subsection (1) of this section does not apply,

(a) to a delegation to the Chief where sections 19 or 20 of this *Administrative Order* apply;  
or

(b) if Administrative Order Number 55, the *HRM Sponsorship Administrative Order*, applies.

**Delegation – Non-Expenditure Agreements Without Revenue Component**

17. (1) Council delegates to the CAO the authority to make or approve and enter into agreements, any amendments to agreements, and to agree to assignments of agreements, that do not require an expenditure of money by the Municipality, providing that such agreements,

(a) are for the provision of a municipal service with a government, public entity or service commission, providing there is cost recovery to the Municipality;

(b) implement the direction of Council; or

(c) are required for the purposes of the Municipality.

(2) The CAO may further delegate the authority pursuant to subsection (1) of this section to employees.

(3) This section shall not apply to a revenue agreement.

**Chief as Director**

18. In every *Administrative Order* or policy adopted by the Council, where there is a delegation by the Council to a “Director”, the delegation to a “Director” shall include a delegation to the “Chief”.

**Delegation to Chief**

19. (1) In this section and section 20, “agreement” includes a memorandum of understanding, letter of agreement, and contract between Halifax Regional Police and another person, government or police agency.

(2) An agreement pursuant to this section shall, in the opinion of the Chief, be in the best interest of the Municipality, including ensuring the provision and maintenance of an adequate and effective level of policing throughout the Municipality.

(3) Any procurement under this section shall be subject to the Procurement Policy.

(4) Council hereby delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting the provision of police services,

(a) for a term up to twelve (12) months, including all renewal periods, with Provincial and federal government agencies and agents of Her Majesty including the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Serious Incident Response Team, Canadian Border Services Agency and any other Provincial or federal governmental organization or department;

(b) for a term up to twelve (12) months, including all renewal periods, at ports of call or places of entry that are located within the geographic boundaries of the Municipality, providing there is cost recovery for the provision of such services;

(c) for activities or events within the geographic boundaries of Canada providing such activities or events,

- (i) are of national interest, such as a meeting of the G-20 in a Canadian Municipality,
  - (ii) require security such as the Olympics or the Pan Am Games in a Canadian Municipality, or
  - (iii) are in respect of public safety, crime reduction or an emergency intervention, providing there is cost recovery for the activities or events;
  - (d) for activities or events outside the geographic boundaries of Canada that are in response to an action or request of the United Nations, the North Atlantic Treaty Organization, European Police, the Canadian government or any other international entity, providing there is cost recovery or the costs are neutral for the activities or events, such as peacekeeping or police development or training, and
  - (e) for training activities or events for employees of the Halifax Regional Police within the geographic boundaries of Canada for which there is at least partial cost recovery providing any discrepancy between the actual cost of the training or events and any cost recovery is wholly funded from the approved budget.
20. Council delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting:
- (a) matters relating to law enforcement, police services and intelligence operations with other law enforcement and government agencies if, in the opinion of the Chief, it is necessary to collaborate or co-operate with such agencies to further an investigation including the sharing of criminal intelligence such as crime statistics and actions respecting specific individuals involved in criminal activities;
  - (b) information sharing agreements with other law enforcement and government agencies, providing the agreements are subject to all applicable privacy legislation;
  - (c) the waiver of provisions of the Collective Agreement between the Municipality and the HRP for which, in the opinion of the Chief, there are no financial repercussions for the Municipality, providing:
    - (i) the waiver is approved by the CAO, or delegate, and
    - (ii) the waiver would not otherwise prejudice the Collective Agreement;
  - (d) non-financial partnership agreements with non-profit organizations or registered Canadian charitable organizations.
21. (1) Council hereby delegates to the Chief the authority to sub-delegate the authorities pursuant to sections 19 and 20 of this Administrative Order to the Deputy Chief of Halifax Regional Police or a Superintendent of the Halifax Regional Police.
- (2) The Deputy Chief or a Superintendent who has been delegated authority by the Chief pursuant to subsection (1) of this section may act in the place and in the stead of the Chief when the Chief is absent or at the request of the Chief.

Done and passed in Council this       day of       , A.D. 2014.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
MUNICIPAL CLERK

**Attachment 2**

(Amending Administrative Order)

**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 58  
RESPECTING THE DELEGATION OF  
CERTAIN AUTHORITIES**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality that Administrative Order 58, the *Delegation of Certain Authorities Administrative Order*, be amended as follows:

1. The Table of Contents is added as follows:

| <b>TABLE OF CONTENTS</b>  |                              |
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| <b><u>ITEM</u></b>  | <b><u>SECTION NUMBER</u></b> |
| <b><u>Short Title</u></b>   | <b>1</b>                     |
| <b><u>Application</u></b>   |                              |
| • to all employees  | <b>2</b>                     |
| • does not restrict:  |                              |
| ▪ other policies or Administrative Orders   | <b>3</b>                     |
| ▪ less than market value rent or lease  | <b>4</b>                     |
| • market value is used to determine delegation amount for less than market value rent | <b>6</b>                     |
| • authority to further delegate   | <b>7</b>                     |
| • delegation amounts do not include HST   | <b>8</b>                     |
| <b><u>Interpretation</u></b>  | <b>9</b>                     |
| <b><u>Delegation – Non Disclosure Agreements</u></b>                                  | <b>10</b>                    |
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| <b><u>Delegation - Non Expenditure Agreements Without Revenue Component</u></b>       | <b>17</b>                    |
| <b><u>Chief as Director</u></b>   | <b>18</b>                    |
| <b><u>Delegation to Chief</u></b>   | <b>19-20</b>                 |
| • authority to further delegate   | <b>21</b>                    |

2. Section 2 is amended by:
  - (a) striking out the words and colon “who are authorized hereunder to approve and sign.”;
  - (b) repealing clauses a and b; and
  - (c) adding a period after the word “Municipality”.
3. Section 9 is amended by:
  - (a) striking out the word “Order” after the word “Administrative” and before the words “of the” in clauses a and b;
  - (b) adding the word “Officer” after the word “Administrative” and before the words “of the” in clauses a and b;
  - (c) adding clauses (aa) and (ab) after clause (a) and before clause (b) as follows:
    - (aa) “Canadian Municipality” means a municipal body that is located within the boundaries of Canada, such as a regional municipality, city, town, village, and municipality of a county or district;
    - (ab) “Chief” means the Chief of Police of the Halifax Regional Police and includes:
      - (i) an officer acting as the Chief of Police, and
      - (ii) the Deputy Chief or a Superintendent pursuant to section 21;
  - (d) adding clause (da) after clause (d) and before clause (e) as follows:
    - (da) “HRPA” means the Halifax Regional Police Association;
  - (e) striking out the abbreviation “HRM” after the word “between” and before the words “and other” and adding the words “the Municipality” after the word “between” and before the words “and other” in clause g;
  - (f) striking out the abbreviation “HRM” after the word “not” and before the words “is negotiating” and adding the words “the Municipality” after the word “not” and before the words “is negotiating ” in clause g;
  - (g) adding clause ga after clause g and before clause h as follows:
    - (ga) “Municipality” means the Halifax Regional Municipality;
  - (h) striking out the word “and” at the end of clause (h);
  - (i) adding clause (ha) after clause (h) and before clause (i) as follows:
    - (ha) “revenue agreement” means an agreement between the Municipality and another person or entity wherein,
      - (i) the Municipality accepts or receives money from such person or entity;

(ii) the Municipality is not required, pursuant to the agreement, to make an expenditure of money; and

(iii) there is an exchange of obligations; and

4. Section 15 is amended by:

(a) striking out the numbers and word “12 and 13” after the word “sections” and before the word and comma “, Council”;

(b) adding the numbers and word “13 and 14” after the word “sections” and before the word and comma “, Council”;

(c) striking out the word “least” after the word “at” and before the word “than”; and

(d) adding the word “less” after the word “at” and before the word “than”.

5. Sections 16, 17, 18, 19, 20 and 21 are added after section 15, as follows:

**Delegation - Non Expenditure Agreements With Revenue Component**

16. (1) Council hereby delegates the authority to make or approve and enter into revenue agreements, any amendments to revenue agreements and to agree to assignments of agreements, on behalf of the Municipality, as follows:

| <b>Total Amount of Money to be Received</b> | <b>Approval Authority</b> | <b>Signing Authority</b> |
|---|---------------------------|--------------------------|
| \$0 - \$50,000                              | Director                  | Director                 |
| \$0 - \$500,000                             | DCAO or CAO               | DCAO or CAO              |
| \$500,001 and over                          | Council                   | Mayor and Clerk          |

(2) Subsection (1) of this section does not apply,

(a) to a delegation to the Chief where sections 19 or 20 of this *Administrative Order* apply;  
or

(b) if Administrative Order Number 55, the *HRM Sponsorship Administrative Order*, applies.

**Delegation – Non-Expenditure Agreements Without Revenue Component**

17 (1) Council delegates to the CAO the authority to make or approve and enter into agreements, any amendments to revenue agreements and to agree to assignments of agreements, that do not require an expenditure of money by the Municipality, providing that such agreements,

(a) are for the provision of a municipal service with a government, public entity or service commission, providing there is cost recovery to the Municipality;

(b) implement the direction of Council; or

(c) are required for the purposes of the Municipality.

(2) The CAO may further delegate the authority pursuant to subsection (1) of this section to employees.

(3) This section shall not apply to a revenue agreement.

**Chief as Director**

18. In every *Administrative Order* or policy adopted by the Council, where there is a delegation by the Council to a "Director", the delegation to a "Director" shall include a delegation to the "Chief".

**Delegation to Chief**

19. (1) In this section and section 20, "agreement" includes a memorandum of understanding, letter of agreement, and contract between Halifax Regional Police and another person, government or police agency.

(2) An agreement pursuant to this section shall, in the opinion of the Chief, be in the best interest of the Municipality, including ensuring the provision and maintenance of an adequate and effective level of policing throughout the Municipality.

(3) Any procurement under this section shall be subject to the Procurement Policy.

(4) Council hereby delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting the provision of police services,

(a) for a term up to twelve (12) months, including all renewal periods, with Provincial and federal government agencies and agents of Her Majesty including the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Serious Incident Response Team, Canadian Border Services Agency and any other Provincial or federal governmental organization or department;

(b) for a term up to twelve (12) months, including all renewal periods, at ports of call or places of entry that are located within the geographic boundaries of the Municipality, providing there is cost recovery for the provision of such services;

(c) for activities or events within the geographic boundaries of Canada providing such activities or events,

(i) are of national interest, such as a meeting of the G-20 in a Canadian Municipality,

(ii) require security such as the Olympics or the Pan Am Games in a Canadian Municipality, or

(iii) are in respect of public safety, crime reduction or an emergency intervention,

providing there is cost recovery for the activities or events;

(d) for activities or events outside the geographic boundaries of Canada, providing there is cost recovery or the costs are neutral for the activities or events, such as peacekeeping or police development or training that are in response to an action or request of the United Nations, the North Atlantic Treaty Organization, European Police, the Canadian government or any other international entity, and



(e) for training activities or events for employees of the Halifax Regional Police within the geographic boundaries of Canada for which there is at least partial cost recovery providing any discrepancy between the actual cost of the training or events and any cost recovery is wholly funded from the approved budget.

20. Council delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting:

(a) matters relating to law enforcement, police services and intelligence operations with other law enforcement and government agencies if, in the opinion of the Chief, it is necessary to collaborate or co-operate with such agencies to further an investigation including the sharing of criminal intelligence such as crime statistics and actions respecting specific individuals involved in criminal activities;

(b) information sharing agreements with other law enforcement and government Agencies, providing the agreements are subject to all applicable privacy legislation;

(c) the waiver of provisions of the Collective Agreement between the Municipality and the HRP for which, in the opinion of the Chief, there are no financial repercussions for the Municipality, providing:

(i) the waiver is approved by the CAO, or delegate , and

(ii) the waiver would not otherwise prejudice the Collective Agreement;

(d) non-financial partnership agreements with non-profit organizations or registered Canadian charitable organizations.

21. (1) Council hereby delegates to the Chief the authority to sub-delegate the authorities pursuant to sections 19 and 20 of this Administrative Order to the Deputy Chief of Halifax Regional Police or a Superintendent of the Halifax Regional Police.

(2) The Deputy Chief or a Superintendent who has been delegated authority by the Chief pursuant to subsection (1) of this section may act in the place and in the stead of the Chief when the Chief is absent or at the request of the Chief.

**Attachment 3  
(Incorporating Proposed Changes)**

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**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 58  
RESPECTING THE DELEGATION OF  
CERTAIN AUTHORITIES**

**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 the *Delegation of Certain Authorities Administrative Order*.

**Application**

2. This Administrative Order applies to all employees of the Municipality.
3. Nothing in this *Administrative Order* limits or otherwise restricts any other authorities delegated by Council to staff including the authorities delegated under the Transaction Policy - Real Property Acquisitions and Disposals.
4. Nothing in this *Administrative Order* shall be construed as to limit or otherwise restrict Council's discretion to grant a lease at market value rent or less than market value rent.
5. A rental agreement authorized by this *Administrative Order* shall:
  - (a) only grant a license to use the facility or municipal land for a maximum certain time period; and
  - (b) not be transferable or assignable.
6. When determining the delegated authorities for approving and signing less than market value rent, the approving and signing authorities shall be determined by reference to the actual market value of the rent without reduction.
7. The authorities delegated to the Divisional Manager or the Director under this Administrative Order may be further delegated by the Divisional Manager or the Director to his or her staff.
8. In this Administrative Order, a delegation up to a specific dollar amount for market value rent shall:
  - (a) include a delegation up to and including the expressed dollar amount.
  - (b) exclude any Harmonized Sales Tax that may be payable.

**Interpretation**

9. In this Administrative Order,
  - (a) "CAO" means the Chief Administrative Officer of the Municipality;
  - (aa) "Canadian Municipality" means a municipal body that is located within the boundaries of Canada, such as a regional municipality, city, town, village, and municipality of a county or district;
  - (ab) "Chief" means the Chief of Police of the Halifax Regional Police and includes:
    - (i) an officer acting as the Chief of Police, and
    - (ii) the Deputy Chief or a Superintendent pursuant to section 21;

- (b) "DCAO" means the Deputy Chief Administrative Officer of the Municipality;
- (c) "Director" means a Director of a Department of the Municipality;
- (d) "facility" means a building or part of a building that:
  - (i) is owned or leased by the Municipality;
  - (ii) is operated by the Municipality; and
  - (iii) is used, in whole or in part, for athletic, cultural, recreational or sporting Purposes;
- (da) "HRPA" means the Halifax Regional Police Association;
- (e) "market value rent" means the most probable rent which municipal land or a facility should bring in a competitive and open market under conditions requisite to a fair agreement;
- (f) "municipal land" means real property owned or leased, in whole or in part, by the Municipality for athletic, recreational or sporting purposes;
- (g) "non-disclosure agreement" means an agreement relative to an exchange of confidential information between the Municipality and other persons, whether or not the Municipality is negotiating or has entered into an agreement with such person;
- (ga) "Municipality" means the Halifax Regional Municipality;
- (h) "non-profit organization" means a group, organization or incorporated body that is not conducted primarily for profit;
- (ha) "revenue agreement" means an agreement between the Municipality and another person or entity wherein,
  - (i) the Municipality accepts or receives money from such person or entity;
  - (ii) the Municipality is not required, pursuant to the agreement, to make an expenditure of money; and
  - (iii) there is an exchange of obligations; and
- (i) "maximum rental period" includes all renewal periods.

**Delegation – Non Disclosure Agreements**

10. (1) Council hereby delegates the authorities to approve and sign non-disclosure agreements to the CAO, where in the opinion of the CAO:

- (a) such agreements are necessary to advance contractual negotiation; or
- (b) such agreements are in the best interests of the Municipality;

(2) The DCAO may act in the place and in the stead of the CAO for the purposes of this section when the CAO is absent or at the request of the CAO.

**Delegation – Market Value Rent**

11. All renters of a facility or municipal land must pay market value rent.

12. Council hereby delegates the authorities to approve and sign a rental agreement for a facility or municipal land, at market value rent, as follows:

| <b>Maximum Rental Period or Term</b> | <b>Annual Market Value Rent (excluding HST)</b> | <b>Approval Authority</b> | <b>Signing Authority</b> |
|--------------------------------------|---|---------------------------|--------------------------|
| one (1) year                         | \$1 - \$25,000                                  | Divisional Manager        | Divisional Manager       |
| one (1) year                         | \$1 - \$50,000                                  | Director                  | Director                 |
| one (1) year                         | \$1 - \$100,000                                 | DCAO or CAO               | DCAO or CAO              |
| as approved by Council               | \$100,001 and over                              | Council                   | Mayor and Clerk          |

**Delegation - Less than Market Value Rent**

13. Council hereby considers a non-profit organization to be carrying on an activity that is beneficial to the Municipality, if in the opinion of the delegate:

- (a) the entity is a non-profit organization;
  - (b) the non-profit organization is using, in whole or in part, a facility or municipal lands;
- and
- (c) the non-profit is holding a sporting event, community event, recreational event, entertainment event, or cultural event including artistic performances.

14. Notwithstanding section 11, Council hereby authorizes less than market value rent to be charged to a non-profit organization who is carrying on an activity that is beneficial to the Municipality pursuant to clause 13(c) of this Administrative Order.

15. Subject to sections 13 and 14, Council hereby delegates the authorities to approve and sign rental agreements for a facility or municipal land, with a non-profit organization at less than market value rent, as follows:

| <b>Annual Market Value Rent (excluding HST)</b> | <b>Approval Authority</b>      | <b>Signing Authority</b>       | <b>Maximum Rental Period or Term</b> |
|---|--------------------------------|--------------------------------|--------------------------------------|
| \$1 - \$25,000                                  | Divisional Manager or Director | Divisional Manager or Director | one (1) year                         |

**Delegation - Non Expenditure Agreements With Revenue Component**

16. (1) Council hereby delegates the authority to make or approve and enter into revenue agreements, any amendments to revenue agreements and to agree to assignments of agreements, on behalf of the Municipality, as follows:

| <b>Total Amount of Money to be Received</b> | <b>Approval Authority</b> | <b>Signing Authority</b> |
|---|---------------------------|--------------------------|
| \$0 - \$50,000                              | Director                  | Director                 |
| \$0 - \$500,000                             | DCAO or CAO               | DCAO or CAO              |
| \$500,001 and over                          | Council                   | Mayor and Clerk          |

- (2) Subsection (1) of this section does not apply,

- (a) to a delegation to the Chief where sections 19 or 20 of this *Administrative Order* apply;  
or
- (b) if Administrative Order Number 55, the *HRM Sponsorship Administrative Order*, applies.

**Delegation – Non-Expenditure Agreements Without Revenue Component**

17 (1) Council delegates to the CAO the authority to make or approve and enter into agreements, any amendments to revenue agreements and to agree to assignments of agreements, that do not require an expenditure of money by the Municipality, providing that such agreements,

- (a) are for the provision of a municipal service with a government, public entity or service commission, providing there is cost recovery to the Municipality;
- (b) implement the direction of Regional Council; or
- (c) are required for the purposes of the Municipality.

(2) The CAO may further delegate the authority pursuant to subsection (1) of this section to employees.

(3) This section shall not apply to a revenue agreement.

**Chief as Director**

18. In every *Administrative Order* or policy adopted by the Council, where there is a delegation by the Council to a “Director”, the delegation to a “Director” shall include a delegation to the “Chief”.

19. (1) In this section and section 20, “agreement” includes a memorandum of understanding, letter of agreement, and contract between Halifax Regional Police and another person, government or police agency.

(2) An agreement pursuant to this section shall, in the opinion of the Chief, be in the best interest of the Municipality, including ensuring the provision and maintenance of an adequate and effective level of policing throughout the Municipality.

(3) Any procurement under this section shall be subject to the Procurement Policy.

(4) Council hereby delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting the provision of police services,

(a) for a term up to twelve (12) months, including all renewal periods, with Provincial and federal government agencies and agents of Her Majesty including the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Serious Incident Response Team, Canadian Border Services Agency and any other Provincial or federal governmental organization or department;

(b) for a term up to twelve (12) months, including all renewal periods, at ports of call or places of entry that are located within the geographic boundaries of the Municipality, providing there is cost recovery for the provision of such services;

(c) for activities or events within the geographic boundaries of Canada providing such activities or events,

(i) are of national interest, such as a meeting of the G-20 in a Canadian Municipality,

(ii) require security such as the Olympics or the Pan Am Games in a Canadian Municipality, or

(iii) are in respect of public safety, crime reduction or an emergency intervention, providing there is cost recovery for the activities or events;

(d) for activities or events outside the geographic boundaries of Canada, providing there is cost recovery or the costs are neutral for the activities or events, such as peacekeeping or police development or training that are in response to an action or request of the United Nations, the North Atlantic Treaty Organization, European Police, the Canadian government or any other international entity, and

(e) for training activities or events for employees of the Halifax Regional Police within the geographic boundaries of Canada for which there is at least partial cost recovery providing any discrepancy between the actual cost of the training or events and any cost recovery is wholly funded from the approved budget.

20. Council delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting:

(a) matters relating to law enforcement, police services and intelligence operations with other law enforcement and government agencies if, in the opinion of the Chief, it is necessary to collaborate or co-operate with such agencies to further an investigation including the sharing of criminal intelligence such as crime statistics and actions respecting specific individuals involved in criminal activities;

(b) information sharing agreements with other law enforcement and government Agencies, providing the agreements are subject to all applicable privacy legislation;

(c) the waiver of provisions of the Collective Agreement between the Municipality and the HRP for which, in the opinion of the Chief, there are no financial repercussions for the Municipality, providing:

(i) the waiver is approved by the CAO, or delegate, and

(ii) the waiver would not otherwise prejudice the Collective Agreement;

(d) non-financial partnership agreements with non-profit organizations or registered Canadian charitable organizations.

21. (1) Council hereby delegates to the Chief the authority to sub-delegate the authorities pursuant to sections 19 and 20 of this Administrative Order to the Deputy Chief of Halifax Regional Police or a Superintendent of the Halifax Regional Police.

(2) The Deputy Chief or a Superintendent who has been delegated authority by the Chief pursuant to subsection (1) of this section may act in the place and in the stead of the Chief when the Chief is absent or at the request of the Chief.

Done and passed in Council this 28<sup>th</sup> day of January, A.D. 2014.

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MAYOR

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MUNICIPAL CLERK