

HALIFAX REGIONAL MUNICIPALITY

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HALIFAX REGIONAL COUNCIL  
SPECIAL MEETING  
MINUTES

February 2, 2012

PRESENT: Mayor Peter Kelly  
Deputy Mayor Bill Karsten  
Councillors: Steve Streach  
Barry Dalrymple  
David Hendsbee  
Lorelei Nicoll  
Gloria McCluskey  
Darren Fisher  
Jackie Barkhouse  
Jim Smith  
Mary Wile  
Jerry Blumenthal  
Dawn Sloane  
Sue Uteck  
Russell Walker  
Debbie Hum  
Linda Mosher  
Steve Adams  
Robert Harvey  
Tim Outhit  
Reg Rankin  
Peter Lund

REGRETS: Councillors: Brad Johns  
Jennifer Watts

STAFF: Mr. Richard Butts, Chief Administrative Officer  
Ms. Mary Ellen Donovan, Municipal Solicitor  
Ms. Cathy Mellett, Municipal Clerk  
Ms. Sherrill Murphy, Acting Municipal Clerk  
Ms. Chris Newson, Legislative Assistant

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**MOVED by Councillor Sloane, seconded by Councillor Wile that Halifax Regional Council waive the rules of order in respect to the notification of meeting. MOTION PUT AND PASSED by 2/3<sup>rd</sup> vote of Council.**

**1. CALL TO ORDER**

The meeting was called to order at 12:04 p.m.

**2. APPROVAL OF THE ORDER OF BUSINESS**

Addition: 4. Update on St. Patrick's Alexandra School – Councillor Outhit

**MOVED by Councillor Blumenthal, seconded by Councillor Sloane that the agenda, as amended, be approved. MOTION PUT AND PASSED.**

**MOVED by Councillor Wile, seconded by Councillor Rankin that Halifax Regional Council move In Camera to deal with Item 3, Labour Relations: ATU Contract Negotiations. MOTION PUT AND PASSED.**

Council moved In Camera at 12:05 p.m.

**3. LABOUR RELATIONS**

A matter pertaining to reports, advice and recommendations, instruction or direction to officers and employees of the Municipality concerning labour relations and employee negotiations arising out of the contract or contract negotiations with one of the Municipalities unions.

3.1 ATU Contract Negotiations - Oral

***Motion:***

To convene to In Camera in order to address matters related to the ATU contract negotiations.

This matter was dealt with during the In Camera session.

Council reconvened its regular session at 2:10 p.m. with Deputy Mayor Karsten in the Chair and the following Councillors not in attendance: Hendsbee, Barkhouse, Watts, Adams and Johns.

**4. UPDATE ON THE ST. PATRICK'S ALEXANDRA SCHOOL**

Councillor Outhit requested that, due to information in the media, HRM clarify and communicate with the residents what occurred at the court proceedings on January 31, 2012 in regard to the St. Patrick's Alexandra School matter.

In response to a question of clarification by Councillor Outhit on whether or not Council should move In Camera in order to discuss and clarify what had occurred, Ms. Mary Ellen Donovan, Municipal Solicitor, explained that it would depend on the nature of the questions. Certain events took place in court that were before the public and would not require Council to move In Camera. For a more fulsome discussion and information, Council could consider moving In Camera.

Councillor Mosher advised that Council should move In Camera as she would like to speak to a Personnel Matter related to this issue.

Deputy Mayor Karsten advised that a 2/3 majority vote was required on a motion to move In Camera on an added item.

Councillor Outhit requested clarification on whether or not there is a stay in proceedings until February 16, 2012 in regard to the St. Patrick's Alexandra School matter. He inquired whether the stay in proceedings would block the sale of the property to the Developer.

Mr. Randy Kinghorne, Solicitor, explained what occurred during, and as a result of, the court proceedings on January 31, 2012. He confirmed that late yesterday afternoon an application for judicial review in regard to the St. Patrick's Alexandra School matter had been filed with the Supreme Court of Nova Scotia. The request filed was for the Court to stay the proceedings in regard to the RFP until the end of litigation and application for judicial review. The Court felt the application had merit for consideration by the Court and had issued an interim stay of the sale and set the matter over for a hearing on February 16, 2012. He expected that on February 16, 2012, a full hearing would be held with all documents presented to the court.

Mr. Kinghorne noted that statements as outlined in today's press were very inaccurate and would lead to misunderstanding as to what occurred in court.

Councillor Outhit requested that HRM clarify the matter and communicate that to the public.

Mayor Kelly resumed the Chair at this time.

**MOVED by Councillor Mosher, seconded by Councillor Hum that HRM direct staff to obtain external legal counsel to represent HRM, with consultation with HRM's Legal Department, in regard to the St. Patrick's Alexandra School matter.**

Ms. Donovan advised that external legal counsel may be obtained, however; on February 16<sup>th</sup> three matters are already scheduled: 1. Application by HRM to have a summary judgement to have conclusion of this matter on February 16<sup>th</sup>; 2. Application for judicial review which is before the courts; 3. Whether the interim stay in proceedings issued yesterday is going to be continued. The question before Council is whether or

not Council wanted Legal Services to proceed with the application for summary judgement on February 16<sup>th</sup> or, in the event that it is not granted, to take whatever action is appropriate.

**MOTION PUT AND PASSED.**

Councillor Barkhouse entered the meeting at 2:24 p.m.

Councillor Mosher advised that she had received several calls from residents in regard to a Member of Council having a potential conflict of interest in this matter and requested that it be addressed. She requested a ruling on whether or not the person was in a Conflict of Interest position.

Mayor Kelly explained that the Solicitor would meet with the individual to determine the facts of the matter.

Mayor Kelly advised that Councillor Outhit's comments would be forwarded to staff and that no motion was required.

**MOVED by Councillor Dalrymple, seconded by Councillor Wile that Halifax Regional Council move In Camera to deal with a Personnel Matter. MOTION PUT AND DEFEATED.**

**5. ADJOURNMENT**

The meeting was adjourned at 2:29 p.m.

Cathy J. Mellett  
Municipal Clerk