

HALIFAX REGIONAL MUNICIPALITY

HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE
MINUTES

August 4, 2009

PRESENT: Mayor Peter Kelly, Chair
Deputy Mayor David Hendsbee
Councillors: Barry Dalrymple
Lorelei Nicoll
Bill Karsten
Jackie Barkhouse
Jim Smith
Mary Wile
Jerry Blumenthal
Sue Uteck
Jennifer Watts
Russell Walker
Debbie Hum
Brad Johns
Robert P. Harvey
Tim Outhit
Reg Rankin

REGRETS: Councillors: Steve Streach
Gloria McCluskey
Dawn M. Sloane
Linda Mosher
Stephen D. Adams
Peter Lund

STAFF: Mr. Dan English, Chief Administrative Officer
Ms. Mary Ellen Donovan, Municipal Solicitor
Ms. Julia Horncastle, Acting Municipal Clerk
Ms. Chris Newson, Legislative Assistant

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1. CALL TO ORDER

The meeting was called to order at 9:47 a.m.

2. APPROVAL OF THE MINUTES - June 16 & 23, 2009

Deputy Mayor Hendsbee requested that the June 16th minutes be corrected to show that he arrived at 10:20 not 10:02.

MOVED BY Councillor Johns, seconded by Councillor Nicoll that the minutes of June 16th, as amended, and the minutes of June 23rd, as presented, be approved. MOTION PUT AND PASSED.

Council recessed at 9:48 a.m.

The meeting reconvened at 10:03 a.m.

3. DISTRICT BOUNDARY REVIEW

- A report dated July 20, 2009 was before Council.
- A copy of the PowerPoint presentation was before Council.

Ms. Cathy Mellett, Acting Manager, Municipal Clerk's Office, presented the information assisted by Ms. Sara Knight, Solicitor, HRM Legal Services.

MOVED BY Councillor Rankin, seconded by Councillor Blumenthal that Halifax Regional Council:

- 1. Recommend that HRM's major District Boundary Review, required to be submitted by December 31, 2010, be conducted in two (2) phases. The first phase to address HRM's Council governance structure and the second phase to set the specific district boundaries.**
- 2. For phase 1, the establishment of HRM's Council governance structure, a Committee of Council be struck to consider appropriate alternatives for HRM and bring forward a recommendation to Regional Council on or before February 24, 2010 with regard to:**
 - i) the size of Regional Council appropriate to decision making of a Regional nature; and**
 - ii) the size of Regional Council to support a Community Council structure appropriate to community decision making.**

And, that the Committee of Council be comprised of:

- i) **the Mayor**
- ii) **one (1) Councillor nominated from each of the Community Councils**
- iii) **one (1) member of HRM's Executive Management Team**

And, that the Committee of Council undertake the public consultation deemed necessary to ensure appropriate public input and consultation on the matter.

- 3. For phase 2, the setting of specific district boundaries based on the direction approved by Regional Council, Regional Council appoint an independent Advisory Committee. The committee to be comprised of residents and experts, supported by appropriate staff resources and expertise to determine the specific district boundaries for the number of districts determined by Council in Phase 1 of the District Boundary Review process. This Advisory Committee will:**

- i) **ensure the boundaries are set in accordance with the Nova Scotia Utility and Review Board (NSUARB) and legislative requirements to be considered in the setting of district boundaries including but not exclusive to communities of interest, planning areas, and meeting the population/voter equity between districts "plus or minus 10%" - or defended otherwise;**
- ii) **undertake the public consultation deemed necessary to ensure appropriate public input and consultation on the boundaries including Councillors, stakeholders and the broader public; and**
- iii) **bring forward a recommendation for ratification (for or against) on the District Boundaries to Regional Council on or before September 28, 2010.**

Councillor Rankin advised that he was in agreement with Phase 1 and suggested that the basic question be addressed as soon as possible in regard to maintaining the status quo, or; that the size of Council be reduced. He requested that the reasons for each option be provided.

Councillor Watts entered the meeting at 10:19 a.m.

Councillor Harvey noted that he was weary of process and that he was ready to move forward with the concept for a reduced Regional Council of twelve (12) to eighteen (18) districts that would have a more regional approach in decision making.

Councillor Uteck commented that the process should move forward. She requested that the previous press releases be reviewed in regard to the negative criticism received when Council decided to maintain the status quo contrary to the Committee's recommendation.

Councillor Outhit agreed that there could be a gain by streamlining Council and suggested the possibility of having Members at Large on Council and the empowerment of Community Councils although he was opposed to the idea of District Councils. He requested that all communications concerning this item be clear that the project was not a move toward de-amalgamation. He expressed interest in serving on the Committee.

Councillor Walker noted that the final decision for Phases 1 and 2 would be a decision of Council and suggested that there be one Committee with the composition as outlined for the Committee of Council for Phase 1. He also suggested that the two larger Community Councils, Chebucto and Harbour East, be permitted to have an additional representative on the Committee and that the composition of the Committee of Council be increased by two (2) to accommodate the addition of those two representatives.

Moved by Councillor Walker, seconded by Councillor Karsten that the composition of the Committee of Council for Phase 1 be amended to expand the composition by two (2) and that the expansion be to accommodate an additional representative from the Chebucto Community Council and Harbour East Community Council for a total of two (2) representatives from the Chebucto and Harbour East Community Councils.

Councillor Hum noted that she was in support of the amendment as it would provide equity in the decision making process for the Harbour East and Chebucto areas.

Councillor Karsten advised that he was in support of the proposed amendment and asked that consideration be given to the issue of equity noting that there were six Councillors serving on the Harbour East Community Council.

Councillor Rankin explained that he was not in support of the proposed amendment as it would be a flawed approach with signs of sub-regionalism and parochialism. He inquired on what basis some Community Councils would be deemed more equitable than others.

Councillor Harvey advised that he was not in support of the amendment as Council was a body of equals among equals.

Councillor Johns noted that he was not in support of the amendment as the responsibility of the Community Council representative on the Committee would be to bring forward the views of the entire Community Council regardless of the number of Councillors serving on the Community Council they were representing.

Councillor Dalrymple advised that he was not in support of the proposed amendment as it may be considered an attempt by urban blocks to dominate another facet. He requested that information on the population per district be provided first in order to determine the merit of the proposed motion. Allowing more representation for particular Community Councils would not be fair or equitable. He expressed his support for the composition as

originally presented, or; for a composition of two representatives from each of the following areas: rural, suburban and urban.

Councillor Walker commented that Community Councils were not fair in their representation. He noted that each Councillor represents approximately 15,000 voters and that it had nothing to do with being rural, suburban or urban. He explained that the proposed amendment was in regard to equity and was not intended as a means to dominate the process.

Councillor Outhit commented that having one representative per Community Council, as originally presented, was a good way to determine a manageable number on the Committee.

Councillor Karsten requested that the Community Council representative on the Committee be required to report back to their respective Community Councils on a consistent basis.

Councillor Johns suggested that each Councillor, and the Mayor, be interviewed separately as part of the process.

Councillor Nicoll advised that she was in agreement with equal representation and suggested that the Chair of each Community Council be the person appointed to the Committee of Council as that person had already been voted to represent the Community Council.

MOTION TO AMEND PUT AND DEFEATED.

Discussion ensued on the main motion as follows:

Councillor Smith noted that research had to be done on the current workload of each Councillor and a review of how they represent certain areas as some areas were challenging and needed a Councillor on the street every day to obtain the feedback. He suggested that the process be done in one step and that HRM should review what other areas are doing including: who is taking the phone calls; what types of complaints do they deal with in regard to how they do things; are the citizens happy; has there been a poll done to determine the satisfaction of the residents.

Deputy Mayor Hendsbee commented that the process could be streamlined by considering what the province will do with their boundary review. The municipal and provincial boundaries should be reflective to make it easier for the voters list. He noted that the province of Ontario has similar boundaries for federal and provincial areas which makes it easier for residents to understand who their representatives are and who is responsible for what service. The province of Nova Scotia has fifty-two (52) seats; 40% of the population was in HRM but HRM did not have 40% of the provincial seats. He suggested that each Councillor could speak to the Nova Scotia Utility and Review Board and provide

their own opinion on how to address the issue. The issue of more administrative support and more resources for Municipal Councillors should be included as part of the process as Councillors will require support to allow them to do their jobs better in their own districts. Deputy Mayor Hendsbee agreed that it was time for an overhaul to simplify the process but did not want HRM to be compared to other municipalities. He suggested that the benchmark cities used for the Economic Scorecard be used for reference purposes.

Councillor Blumenthal noted that the federal and provincial levels of government do not do the hands on work that the municipal Councillors do and a decrease in the number of Councillors would mean an increase in staff support so there would be no monetary savings. He explained that he returns all phone calls himself and would not want an Executive Assistant.

Councillor Hum commented that the result of the review undertaken in 2000 was for a reduction in Council size to twenty (20) districts but the public requested the status quo as they did not want the Councillors' role to change. She agreed that each Councillor be interviewed separately with the information provided to a separate, unbiased committee. The governance model would depend upon the number of districts. Residents of HRM expect, and are accustomed to, a hands on approach. Councillors cannot be all things to all people at all times and do require support staff/assistants. She concurred that Council does have to change the way it operates and become more efficient. She expressed concern with the Committee's decision not being endorsed when it comes to Council as happened in the past. She suggested an autonomous process with the decision going directly to the Nova Scotia Utility and Review Board from the Committee.

Ms. Mary Ellen Donovan, Municipal Solicitor, advised that the Municipal Government Act required that Council make the decision. She explained that HRM could request that the province revise the HRM Charter to restructure the process to have an independent review process and that a recommendation be made to the Nova Scotia Utility and Review Board that the recommendation would remain independent without Council's endorsement.

Councillor Rankin explained that all Councillors could participate during Phase 1 of the process although they would not all have a vote. He would support having one Committee do both Phase 1 and Phase 2 as the body of knowledge would already be there and it would be more expedient.

Councillor Harvey commented that one element was missing from the full public process; a review of the entire boundary of HRM.

In response to the strong position toward a smaller Council, Councillor Dalrymple suggested that Council be reduced in size to fourteen (14) to eighteen (18) districts, and; that expanded use/authority of the Community Councils be considered and the matter given to a non-partisan Committee.

Councillor Walker noted that the Nova Scotia Utility and Review Board had already provided the guidelines to Regional Council and that Council will make the decision following public consultation. He noted that the geographic size of HRM would make joining the districts challenging.

In response to Councillor Karsten, Mayor Kelly advised that the Committee Representative from the Executive Management Team has not yet been determined.

Councillor Karsten noted that a smaller Council would not necessarily be better noting that there were currently twenty-four (24) representatives who got along very well while representing almost 400,000 residents. He was in support of a reduced Council, however; certain things had to be in place and he was not certain that HRM was ready for the reduction as it was still a fairly new regional municipality. He cautioned Council not to make change for the sake of change.

Councillor Johns requested that Council respect the decision of the Committee when it came forward as the Committee would be spending a lot of time and effort on the project.

Councillor Nicoll advised that she wanted to hear what the public had to say in regard to the boundaries as change has to be driven by the people. She was in support of the boundary lines being similar to the provincial boundaries in order to reduce confusion.

Councillor Wile expressed concern with wasting the Committee's time if the resulting decision of Council were the same as last time, to maintain the status quo, after all the work the previous Committee had done in preparing and presenting their recommendation.

Councillor Smith expressed concern with the process when the direction from the Nova Scotia Utility and Review Board was to enter the process with an open mind yet so many had already made their decision. He noted that the Committee would have to find the facts and that the Community Councils should ensure that they have an open minded representative on the Committee.

MOVED BY Councillor Smith, seconded by Councillor Rankin that the motion be amended to have both Phase 1 and 2 undertaken by the same Committee of Council. MOTION TO AMEND PUT AND PASSED.

Councillor Barkhouse commented that there was a diversity of community issues and that two districts could not be merged based on geography alone. The workload per district would also have to be considered. She noted that she represented two districts that say they have nothing in common. Providing an opportunity for the communities to comment on how they were represented would be beneficial.

In response to Mayor Kelly, Ms. Cathy Mellet confirmed that the deadline for a decision to be before the Nova Scotia Utility and Review Board was December 31, 2010.

Councillor Karsten requested the most recent census in order to obtain the most accurate calculations.

A vote was then taken on the amended motion as follows:

MOVED BY Councillor Rankin, seconded by Councillor Blumenthal that Halifax Regional Council:

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- 2. For phase 1, the establishment of HRM's Council governance structure, a Committee of Council be struck to consider appropriate alternatives for HRM and bring forward a recommendation to Regional Council on or before February 24, 2010 with regard to:**
 - i) the size of Regional Council appropriate to decision making of a Regional nature; and**
 - ii) the size of Regional Council to support a Community Council structure appropriate to community decision making.**

And, that the Committee of Council be comprised of:

- i) the Mayor**
- ii) one (1) Councillor nominated from each of the Community Councils**
- iii) one (1) member of HRM's Executive Management Team**

And, that the Committee of Council undertake the public consultation deemed necessary to ensure appropriate public input and consultation on the matter.

- 3. For phase 2, the setting of specific district boundaries based on the direction approved by Regional Council, be undertaken by the same Committee of Council and supported by appropriate staff resources and expertise. The Committee will:**
 - i) ensure the boundaries are set in accordance with the Nova Scotia Utility and Review Board (NSUARB) and legislative requirements to be considered in the setting of district boundaries including but not exclusive to communities of interest, planning areas, and meeting the population/voter equity between districts "plus or minus 10%" - or defended otherwise;**

- ii) undertake the public consultation deemed necessary to ensure appropriate public input and consultation on the boundaries including Councillors, stakeholders and the broader public; and
- iii) bring forward a recommendation for ratification (for or against) on the District Boundaries to Regional Council on or before September 28, 2010.

MOTION PUT AND PASSED.

4. ADJOURNMENT

The meeting was adjourned at 12:02 p.m.

Julia Horncastle
Acting Municipal Clerk