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Halifax, Nova Scotia
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Item No. 11.1.1
Western Region Community Council
February 22, 2010

TO: Councillor Stephen D. Adams, Chair, and Members of the Western Region Community Council

SUBMITTED BY: 
Ms. Cathy Mellett, Acting Municipal Clerk

DATE: January 12, 2010

SUBJECT: Proposed Terms of Reference for the Herring Cove Advisory Steering Committee

ORIGIN

The December 15, 2009 Western Region Community Council special meeting.

RECOMMENDATION

It is recommended that the Western Region Community Council:

1. Approve the Terms of Reference for the Herring Cove Advisory Steering Committee attached as Attachment 2 to this report.

BACKGROUND

At the December 15th special meeting of the Western Region Community Council, Councillor Adams requested a staff report on the formation of an advisory committee for Herring Cove with an expanded mandate to cover all issues concerning planning matters and beyond with the exception of the Herring Cove Sewage Treatment Plant.

DISCUSSION

A staff report dated January 12, 2010, attached as Attachment 1 to this report, outlines the proposed mandate and composition for the Herring Cove Advisory Steering Committee. The Terms of Reference is now before the Community Council for approval.

BUDGET IMPLICATIONS

There are no direct budget implications that would not be covered from existing operating accounts.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. The Community Council may choose not to approve the Terms of Reference. This is not the recommended option.
2. The Community Council may choose to amend the Terms of Reference.

ATTACHMENTS

1. Staff report dated January 12, 2010.
2. Proposed Terms of Reference for the Herring Cove Advisory Steering Committee.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Chris Newson, Legislative Assistant, 490-6732



PO Box 1749
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Western Region Community Council
January 18, 2010

TO: Chair and Members of the Western Region Community Council

SUBMITTED BY: 
Cathy J. Mellett Acting Clerk/Manager, Office of the Municipal Clerk

DATE: January 12, 2010

SUBJECT: Extended Planning Advisory Committee for the Herring Cove Community

ORIGIN

December 15, 2009 motion of Western Community Council requesting a staff report outlining the process to implement a Planning Advisory Committee for Herring Cove with an expanded mandate to cover all issues concerning planning matters and beyond with the exception of the Herring Cove Sewage Treatment Plant which is taken care of by the Community Liaison Committee.

RECOMMENDATION

It is recommended that the Western Region Community Council:

1. Establish an Advisory committee, as provided for in Section 25 (b) of the HRM Charter, for matters related to the community of Herring Cove as defined by the boundaries of the Herring Cove Area Settlement and Servicing Strategy, for the specific purpose of providing advice to the Western Region Community Council regarding: 1) the final stage of sewer and water development in Herring Cove; 2) the new fire hall and related recreation and community services; 3) the Latters Lake park development; and 4) improvements to the Herring Cove breakwater, and that the Committee be established for a term not to exceed 18 months; and
2. Recommend that Regional Council initiate the process to amend the Municipal Planning Strategy and Land Use By-law for Planning District 5 (Chebucto Peninsula) and the Regional Subdivision By-law to provide for clear implementation of the land use policy envisaged in the Herring Cove Area Settlement and Servicing Strategy.

BACKGROUND

At its meeting of December 15, 2009 the Western Region Community Council adopted a motion to have staff consider the process of establishing a Planning Advisory Committee with an enhanced mandate. In discussions with the area Councillor staff determined that the intent of the motion was to find the best approach to address and provide advice from the community on a number of initiatives, planning related and otherwise, that will be undertaken in the Herring Cove community over the coming months. Those initiatives include:

- a desire to proceed with amendments to the local planning documents to ensure the intent of the 2000 *Herring Cove Area Settlement and Servicing Strategy* is implemented;
- the new fire hall and related recreation and community services;
- the last phase of sewer and water services to the Herring Cove community
- the Latters Lake park development; and
- the need for improvements to the breakwater in Herring Cove.

DISCUSSION

Some of these community matters are related to land use planning, such as the amendments to the *Municipal Planning Strategy and Land Use by-law for Planning District 5 and the Regional Subdivision By-law*, while others are clearly not directly related to planning matters. Legal Services have advised that the purpose of a Planning Advisory Committee, under the HRM Charter [Section 215 (4)] is specific in both intent and HRM's past practise. Planning Advisory Committees are established to advise only on specific planning matters related to planning applications or documents. The establishment of a Planning Advisory committee could not be expanded under the Charter and establishing a PAC would not serve to address the outcome desired by the Community Council.

Planning staff support the requirements for some amendments to the planning documents applicable to Herring Cove to ensure proper implementation of the community's Servicing and Settlement Strategy. Recent development application requests and concerns raised by area residents have suggested that these documents need to be amended to more effectively carry out their land use objectives.

In regard to options for providing advice to the Community Council on non-planning matters within the Community of Herring Cove, Community Council could consider the following:

Western Region Community Council, under Section 25 (b) of the HRM Charter, may establish an Advisory Committee to provide advise to the Community Council on matters for its consideration While some of the community matters are not directly within the jurisdiction of the Community Council certainly the intent, of providing advice from the community to the Community Council so as to best represent the interests of the Community on those matters can be served, is reasonable.

Western Region Community Council, under Section 32 (1) of the HRM Charter, may request that Regional Council establish a Community Committee for the area. Under the Charter a Community Committee may have a variety of powers such as advice or recommendations. The specific duties

and authorities of a Community Committee must be defined by Regional Council, by policy, at the time of establishing such a Committee. Should Council accept a recommendation of the Western Region Community Council for the establishment of a Community Committee for Herring Cove this would be the first such committee established within HRM.

The Clerk's Office would be required to support either an advisory or community committee as meetings would follow procedural rules of Administrative Order 1 and a record must be kept and be available to the public.

The establishment of either an Advisory Committee to Community Council or a Community Committee of Council would follow HRM's public submissions and appointment process either through appointment by the Community Council (for an Advisory Committee to Community Council) or Regional Council (for a Community Committee).

BUDGET IMPLICATIONS

There are no direct budget implications that would not be covered from existing operating accounts.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

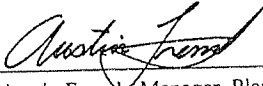
1. Western Region Community Council, under Section 32 (1) of the HRM Charter, may request that Regional Council, by policy, establish a Community Committee for the area defined by the *Herring Cove Area Settlement and Servicing Strategy* and clearly defined responsibilities in accordance with the Charter. This is not the recommended approach at this time as an advisory committee to the Western Region Community Council can achieve many of the same objectives.
2. The Community Council may chose to proceed with either recommendation independently or with neither of the recommendations.

ATTACHMENTS

Extracts of Section 25 (b) of the HRM Charter related to the establishment of advisory committees to Community Council and Section 32 of the HRM Charter related to the establishment of Community Committees.

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 : Cathy J. Mellett, Acting Clerk/Manager, Office of the Municipal Clerk

Report Approved by: 
Austin French, Manager, Planning Services, 490-6717

Extracts from the HRM Charter

Powers of Community Council to establish advisory committees:

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.

Regional Council's powers to establishment a community committee

32 (1) The Council may establish, by policy, a community committee for an area

(2) A policy establishing a community committee must

- (a) define the boundaries of the area for which the committee is responsible and set out the duties of the committee; and
- (b) include such other matters as the Council deems advisable

(3) The powers and duties of a community committee may include

- (a) monitoring the provision of services to the area for which the committee is responsible 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 subcommittees;
- (c) making recommendations to the Council respecting any matter intended to improve conditions in the area for which the committee is responsible including, but not limited to, recommendations respecting
 - (i) inadequacies in existing services provided to the area 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,
 - (ii) by-laws or regulations, including those regarding planning, that are required, and
 - (iii) the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area.

Herring Cove Advisory Steering Committee

Terms of Reference

The Herring Cove Advisory Steering Committee was established by motion of the Western Region Community Council on January 18, 2010 pursuant to Section 25 (b) of the Halifax Regional Municipality Charter, Chapter 39 of the Acts of 2008, powers of Community Council.

1. MANDATE

The Committee is to act as an advisory committee to the Western Region Community Council on specific matters related to the community of Herring Cove including; the final stage of sewer and water development in Herring Cove, the new fire hall, related recreation and community services, the Latters Lake Park development, and the need for improvements to the Herring Cove breakwater.

2. DUTIES AND RESPONSIBILITIES

The main responsibilities of the Committee are to:

- 2.1 Garner community input on the projects by acting as a liaison with the community of Herring Cove so as to advise the Western Region Community Council on the community's aspirations in regard to these projects.
- 2.2 Advise the Western Region Community Council on the aspirations of the community in regard to these projects.
- 2.3 Advance the expressed aspirations of the Community in regard to these projects with the local Councillor, Western Region Community Council, and staff, where appropriate.
- 2.4 Act as a resource for municipal departments responsible for, or working on, the community projects.
- 2.5 Advise the Community Council on strategies or approaches designed to achieve the aspirations of the community in regard to the projects.
- 2.6 The Committee shall submit a report of activities to the Community Council during the first nine (9) months of the Committee's term and at the end of the eighteen (18) months of the Committee term.
- 2.7 The Chairperson of the Committee, or a designate, may make reports to the Community Council on the activities of the Committee as necessary, or; as requested by the Community Council, make presentations deemed advisable by the Community Council.

3. COMPOSITION

- 3.1 Members of the Committee shall be appointed by the Western Region Community Council and shall be residents of the Herring Cove Community from within the Herring Cove and Area Settlement and Servicing Area . The Committee shall be no less than five (5) and no more than seven (7) residents plus the District Councillor who will serve as an

ex-officio member of the committee.

4. TERM OF OFFICE

4.1 The Committee is to serve for a period of eighteen (18) months from the first meeting held by the Committee.

5. QUORUM

5.1 Quorum shall consist of not less than 50% +1 of the voting members.

5.2 Meetings can be held without a quorum present, however, a quorum will be required for all motions for voting purposes.

6. SUB-COMMITTEES

6.1 The Committee may establish sub-committees to deal with specific issues within their mandate subject to the submission of a work plan (identifying goals, time frame, scope of the work and resources required). Sub-committees require the approval of the Community Council.

7. OFFICERS

7.1 The Committee shall elect a chairperson and vice-chairperson from among its members at the first meeting of the year.

8. MEETINGS

8.1 The Committee shall meet no less than six (6) times during the eighteen (18) month term of the Committee.

8.2 Agendas for the meeting will be posted in advance and approved minutes will be made available on the HRM Boards & Committees website.

8.3 All meetings will be open to the public except as specifically provided for in the Halifax Regional Municipality Charter, section 19 (1) and (2) a-h.

8.4 The office of the Municipal Clerk will provide resources for all regular and special meetings of the Committee subject to approval and/or revision based on a work plan where the number of meetings and resources are identified.

8.5 A special meeting of the Committee may be called at the written request of two (2) or more members of the committee, or; in the case of an emergency, the chairperson or designate may call a meeting with reasonable notice.

9. RELATIONSHIP TO COMMUNITY COUNCIL AND STAFF

- 9.1 The Committee shall make recommendations to Community Council **and staff** solely in an advisory capacity.
- 9.2 Staff shall refer significant issues, plans and programs impacting the Herring Cove Community in regard to the designated initiatives to the Committee for their consideration, input and recommendations.

10. APPOINTMENTS

- 10.1 All appointments shall be made for the eighteen (18) month term of the Committee following HRM's normal selection and appointment process encouraging representation from Herring Cove's diverse community.
- 10.2 Should there be an extension in the term of the Committee, Committee members may be re-appointed for no longer than two (2) consecutive terms of eighteen (18) months.

11. RESIGNATIONS

- 11.1 Any resignation from the Committee shall be tendered in writing to the Chairperson with a copy to the Municipal Clerk.
- 11.2 The name of a replacement member shall be obtained from the most recent public appointment process list maintained by the Municipal Clerk and follow the normal appointment process.
- 11.3 The new appointee shall serve for the remainder of the vacant term.

12. ABSENTEEISM

- 12.1 In the case of any member missing three meetings without consent of the Committee, the member shall be deemed to have resigned.

13. PROCEDURE

- 13.1 The meetings shall follow the Rules of Order approved by Council, as amended from time to time, and found in HRM's Administrative Order #1.

14. AMENDMENTS TO TERMS OF REFERENCE

- 14.1 The Committee may, from time to time, recommend to the Community Council amendments to the Terms of Reference that do not substantially change the mandate provided to the Committee by the Community Council following an appropriate voted resolution.

15. **REMUNERATION**

- 15.1 Each member of the Committee shall serve without remuneration but may be reimbursed by the Community Council for any necessary expenses incurred while engaging in official duties as provided for under HRM policies, and provided such expenses are approved in advance by motion of the Community Council.

Approved by the Western Region Community Council on (TBA).