



**EXECUTIVE STANDING COMMITTEE
MINUTES
June 23, 2014**

PRESENT: Mayor Mike Savage, Chair
Councillor Linda Mosher, Vice Chair
Councillor Brad Johns
Councillor Russell Walker
Councillor Bill Karsten
Councillor Steve Craig
Councillor Matt Whitman
Councillor Reg Rankin

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Director, Legal Services
Ms. Cathy Mellett, Municipal Clerk
Ms. Krista Vining, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the Executive Standing Committee are available online:

<http://www.halifax.ca/boardscom/SCadmin/ESCJune232014.php>

The meeting was called to order at 10:05 a.m., and recessed at 10:28 a.m. The Standing Committee moved into an In Camera session at 10:39 a.m., and reconvened at 11:34 a.m., the Standing Committee adjourned at 11:36 a.m.

Prior to calling the meeting to order, Mayor Savage introduced Deputy Lord Provost John Reynolds of Aberdeen and accompanying members of Aberdeen City Council to the Executive Standing Committee.

1. CALL TO ORDER

Mayor Savage called the meeting to order at 10:05 a.m.

2. APPROVAL OF MINUTES – April 28, 2014

MOVED by Councillor Craig, seconded by Councillor Walker that the minutes of April 28, 2014 be approved, as presented. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

MOVED by Councillor Craig, seconded by Councillor Rankin that Information Item 1 - Information Report from the Director of Legal Services dated June 5, 2014 entitled: Governance Review – Timetable be added to the agenda under Added Items 12.1. MOTION PUT AND PASSED.

MOVED by Councillor Rankin, seconded by Councillor Walker that the agenda be approved, as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES – NONE

5. MOTIONS OF RECONSIDERATION – NONE

6. MOTIONS OF RESCISSION – NONE

7. CONSIDERATION OF DEFERRED BUSINESS – NONE

8. CORRESPONDENCE, PETITIONS & DELEGATIONS

8.1 Correspondence

8.1.1 Dr. Paul W. Bennett, Chair, Halifax Regional Library Board dated June 5, 2014

MOVED by Councillor Karsten, seconded by Councillor Walker that the Executive Standing Committee refer Dr. Paul W. Bennett's correspondence of June 5, 2014 to the governance review for recommendation. MOTION PUT AND PASSED.

8.2 Petitions – None

8.3 Presentation – None

9. STAFF REPORTS/UPDATES

9.1 Use of Buy-Back Agreements in Property Sales to Non-Profit Organizations

The following was before the Executive Standing Committee:

- A staff recommendation report dated May 1, 2014

Mr. Peter Stickings, Manager, Real Estate & Land Management, Planning & Infrastructure, provided background information and presented two proposed changes on the use of buy-back agreements in property sales to non-profit organizations as outlined in the May 1, 2014 staff report. Mr. Stickings responded to questions of clarification.

During the staff overview, Councillors Johns and Whitman entered the meeting.

Councillor Rankin questioned whether 65 percent of the property's market value was a fair balance in accomplishing protection. Mr. John Traves, Director of Legal Services confirmed that this percentage does strike balance; highlighting that HRM was providing the property at a reduced value to undertake a community purpose. Mr. Traves further explained that the postponement of the buy-back agreement allowed for the purchaser to put in place financing. He noted that Council has the ability to review and make changes but stressed that the risk would change. He further added that 65 percent was of the market value at the time request/sale and that the value of the property could increase from the date of sale thereby providing better security for HRM and financing options for the non-profit organization.

In response to a suggestion made by Councillor Walker to have a 12 to 15 initial by-back term, Mr. Traves advised that a 25 term was a reasonable protection as it prevents a non-profit organization from flipping the property and not fulfilling the intent of the public benefit provided to them in a less than market sale. Mr. Sticking confirmed that the 25 year initial buy-back term was reasonable to protect the public benefit and HRM's interest.

In response to a further question raised, Mr. Traves clarified that buy-back agreement is filed at the Registry of Deeds to protect HRM's interest.

MOVED by Councillor Karsten, seconded by Councillor Craig that the Executive Standing Committee recommend to Halifax Regional Council that future Buy-Back Agreements shall:

- 1. Include a provision in the agreement for postponement of the Buy-Back Agreement for the purpose of Purchaser financing, and furthermore that the CAO shall have the authority under the agreement to approve the postponement subject to the financing not exceeding 65 percent of the property's market value as of the date of the request, any Purchaser financing agreement shall include a reservation of right in favour of HRM to have notice of and the option to cover any default under the Purchaser's financing;**

2. **Shall have an initial term of 25 years followed by an automatic review by Regional Council to consider continuation, amendment or release of the Buy-Back Agreement.**

MOTION PUT AND PASSED.

10. MOTIONS – NONE

The Standing Committee agreed to address Item 12.1 Information Item 1 at this time.

12.1 Information Item 1 - Information Report from the Director of Legal Services dated June 5, 2014 entitled: Governance Review – Timetable

The following was before the Standing Committee:

- A staff information report dated June 5, 2014

Councillor Craig requested clarification around the timing of the governance review and possible implications. Mr. John Traves, Director of Legal Services, advised that concerns had been expressed respecting conflict of interests and the need for clarity. In consideration of this, he indicated that there was benefit in having someone speak with Council around conflict of interest before debate is held on the governance review for external boards/committees.

11. IN CAMERA

11.1 In Camera Minutes – April 28, 2014

MOVED by Councillor Whitman, seconded by Councillor Karsten that the In Camera minutes of April 28, 2014 be approved as presented. MOTION PUT AND PASSED.

The Standing Committee agreed to discuss their next meeting dates at this time; Item 14.

14. DATE OF NEXT MEETING – July 28th and August 25, 2014

A brief discussion was held on the Standing Committee's summer meeting dates. It was agreed that the Mayor would review the July and August agendas and determine if one meeting over the summer would suffice.

MOVED by Councillor Johns, seconded by Councillor Whitman to convene into In Camera to address Items 11.2 to 11.4. MOTION PUT AND PASSED.

The Standing Committee recessed at 10:28 a.m. and moved into In Camera at 10:39 a.m.

The Standing Committee reconvened at 11:34 a.m.

11.2 Personnel Matter: Councillor Nominations to Halifax Water – *Private and Confidential Report*

This matter was addressed during the In Camera session.

11.3 Personnel Matter: Metropolitan Regional Housing Authority Board Vacancy – *Private and Confidential Report*

This matter was addressed during the In Camera session.

11.4 Legal Matter: S. 369 of the Municipal Government Act – 2014 Municipal Boundary Review – *Private and Confidential Report*

This matter was addressed during the In Camera session and was now before the Standing Committee for ratification.

MOVED by Councillor Karsten, seconded by Councillor Mosher that the Executive Standing Committee recommend to Halifax Regional Council to undertake the required polling district boundary review in 2014 as follows:

Part 1: Advertise that Regional Council will receive written submission in regard to the number of polling districts (and councillors) and their boundaries and receive a staff report in regard to any matters raised through those submissions. In addition Council will conduct three (3) public hearings, one at each of the regular meetings of the Community Councils.

Part 2: A staff report and resolution of Council on the matter of the number of polling districts (and councillors) and their boundaries, either recommending to confirm or alter the NSUARB decision of December 20, 2011, to be forwarded as an application in the required form to the NSUARB by the end of December 2014.

MOTION PUT AND PASSED.

MOVED by Councillor Mosher, seconded by Councillor Whitman that the Executive Standing Committee approve the release of the private and confidential staff recommendation report dated May 30, 2014. MOTION PUT AND PASSED.

Mr. John Traves, Director of Legal services concurred that the private and confidential report could be released.

12. ADDED ITEMS

12.1 Information Item 1 - Information Report from the Director of Legal Services dated June 5, 2014 entitled: Governance Review – Timetable

This matter was addressed earlier in the meeting, see page 4.

13. NOTICES OF MOTION – NONE

14. DATE OF NEXT MEETING –TBD

This matter was addressed earlier in the meeting see page 4.

15. ADJOURNMENT

The meeting was adjourned at 11:36 a.m.

Cathy Mellett
Municipal Clerk