

**Executive Standing Committee  
September 26, 2011**

**TO:** Mayor Kelly and Members of the Executive Standing Committee

**SUBMITTED BY:**



Cathy J. Mellett, Municipal Clerk

**DATE:** September 22, 2011

**SUBJECT:** Procedures for Participation at Standing Committees of Council

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**ORIGIN**

Meeting of the Mayor and Chairs of the Standing Committees September 15, 2011

Direction to develop procedures to assist Standing Committees in adopting a standard approach to participation at Standing Committee meetings.

**RECOMMENDATION**

It is recommended that the Executive Committee adopt the procedures for participation at Standing Committee meetings as attached to this staff report and forward them to the Standing Committees for consideration and use.

## **BACKGROUND**

The Mayor, Standing Committee Chairs and Municipal Clerk meet bi-monthly to review any issues coming from the implementation of Standing Committees of Council. At the meeting of June 2011 the Chairs requested that the Clerk develop a procedural document to assist Standing Committees in standardizing the approach to participation at Standing Committee meetings.

A discussion document was provided to the Mayor and Chairs and the meeting of September 15, 2011 and the Clerk was directed to bring forward a procedural document based on the direction provided by the Chairs.

## **DISCUSSION**

The rules for participation in Standing Committees are laid out in Administrative Order #1 – Procedures of Council. However, the Administrative Order does not provide a great deal of procedure or guidance as to how to administratively use the procedures in the new Standing Committee format.

The attached procedural document uses the rules of the Administrative Order #1 to provide guidance to Standing Committees and the Clerk's Office in applying Administrative Order #1 in a consistent manner across all Standing Committees of Council.

Regional Council has adopted Administrative Order #1 as the rules for Procedures of Regional Council and Committees of Council. Therefore, there is no requirement for Regional Council to approve the procedures as outlined in this report. On the recommendation of the Executive Committee the procedures will be adopted for use by the Office of the Municipal Clerk and will provide guidance and direction at Standing Committees of Council.

## **BUDGET IMPLICATIONS**

There are no budget implications to this report.

## **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

## **COMMUNITY ENGAGEMENT**

The procedures outline how community engagement/participation will be carried out in Standing Committees of Council

**ALTERNATIVES**

The Executive Committee may choose to adopt, amend or not adopt the procedural document, as they see fit.

**ATTACHMENTS**

Attachment 1 – Procedures – Participation at Standing Committees of Council

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A 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.

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**Procedures – Participation at Standing Committees of Council**

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**Regional Council**

**PROCEDURES**

**Participation at Standing Committees of Council**

**Legislative Authority  
Participation - Members of Council  
Participation – Members of the Public  
Consideration- Requests to Present  
Power to Alter  
Written Submissions**

**September 2011**

## 1.0 PURPOSE:

The purpose of this procedure is to provide direction in order to ensure transparency and consistency in the procedures for participation at Standing Committees of Council pursuant to Administrative Order #1 – Procedures of Council.

## 2.0 LEGISLATIVE AUTHORITY

Administrative Order #1, as approved by Regional Council, shall guide all proceedings of Regional Council and Committees of Council.

*The proceedings of Council and Committees, the conduct of members and the calling of meetings shall be governed by the provision of this Administrative Order – Section 3 (1)*

The Administrative Order provides guidance and takes precedence over any policy or procedure adopted by a Standing Committee or other Committees of Regional Council.

## 3.0 PARTICIPATION – MEMBERS OF REGIONAL COUNCIL

*A meeting of a Committee of Council (including Standing Committees), including any In Camera portion of the meeting may be attended by members of the Council who do not serve on the Committee, but such members shall not be allowed to vote and may, with the permission of the majority of the members of the Committee, but not otherwise, be allowed to take part in discussion or debate – Section 80 Admin Order #1.*

### **Procedure – Participation of Members of Regional Council:**

The “as of right” procedure adopted for participation by Members of Council who are not members of a Standing Committee shall be:

- The Agenda for Standing Committee meetings shall be
  - posted to the web in advance of the meeting
  - in addition, the Office of the Municipal Clerk shall circulate the agenda electronically to all Members of Council
- Members of Council may take their seats in the chambers or along side members of the Standing Committee
- Members of Council who are not members of the Standing Committee shall indicate to the chair, during the approval of the Order of Business which Item or Items the Member wishes to address
- When the above Item/s are before the Committee the procedure shall be:
  - o Presentations on the Item (if applicable)
  - o Questions of clarification from members of the Standing Committee
  - o Questions of clarification from members of Council not on the Standing Committee
  - o Entering into debate on the Item:
    - Members of Council who are not members of the Standing Committee may not enter into debate or participate in any way in the deliberations on a matter unless they are given permission to do so by a vote passed by the majority of the members of the Committee present. That motion is to be recorded in the minutes.
- A member of Council who is not a member of the Standing Committee may not at any time vote on an item before the Committee. (Section 80 – Admin Order #1). As this

direction is provided by Council under Administrative Order #1 only a motion and 2/3rds vote of Regional Council (not the Committee) may alter this direction.

### **Participation - Mayor as Ex- officio Member of Committees**

*The Mayor shall be an ex officio member of all committees (including Standing Committees) and shall have all the powers and privileges of a members, including the right to vote upon any question to be dealt with by such Committee (Section 67 (1) Admin Order #1)*

## **4.0 PARTICIPATION – MEMBERS OF THE PUBLIC**

Standing Committees may choose to hear from members of the public or undertake public participation on matters under their jurisdiction and before them on an agenda. The Committee is not obliged to do so.

*The Committee (including Standing Committees) may hear and consider a submission or representation from any person who wishes to be heard upon each item on the agenda as it is reached by the Committee.... (Section 74 (1) – Admin Order #1).*

### **Procedure - Participation of Members of the Public**

If a Committee agrees to engage in public participation on an item that will be before them in an upcoming agenda the procedure adopted for participation by members of the public on an item shall be:

- The Committee shall agree and direct, by motion, that the Committee intends to receive presentations on a matter to be before them at a future agenda
- When the agenda is posted on line the agenda will note on that Item that “presentations will be received”
- Public participation on a matter is not a public hearing and should not be treated as such.
- Usual protocols of the Office of the Municipal Clerk, similar to a public meeting shall be followed such as:
  - o A sign up sheet available 15-20 minutes prior to the meeting
  - o If more than one person appears representing a group or association in relation to a particular item, the Committee may require that the persons designate a spokesperson who will speak on behalf of the group or association (Section 74 (2) Admin Order #1)
  - o 5 minutes per speaker – one time only to speak (Section 74 (1) Admin Order #1)
  - o No debate with the speaker- questions of clarification only
  - o An open call for 1<sup>st</sup>, 2<sup>nd</sup> and last call from the chair for any speakers at the end of the speakers
- Presenters’ names only (not comments) will be noted in the minutes
- If a presenter wishes their comments to be noted for the public record they must provide their comments in writing to the Clerk’s Office.

A Committee may, by motion with a 2/3rds vote of the members of the Committee present, suspend the rules of order and hear from members of the public on an item immediately before them and not previously noted on the posted agenda for “presentations to be received”.

Committees are cautioned in taking that action, as it may serve to disadvantage members of the public who may also wish to address the Committee on the matter.

## 5.0 REQUESTS FOR PRESENT/DELEGATIONS

A Standing Committee *may* consider a request for representation/presentation (Section 74 (1) Admin Order #1). The Committee is under no obligation to accommodate a request.

### Procedure – Requests to Present

If a Committee agrees to accommodate an request for presentation the procedure shall be:

The request must be received in writing through the Office of the Municipal Clerk and will be directed to the Legislative Assistant of the Standing Committee.

Upon receipt of the request, along with the reason they wish to appear before the Standing Committee, the request will be forwarded for review at the next agenda planning meeting of the Standing Committee or to the next regular meeting of the Committee if there is no Agenda Planning meeting scheduled, to determine the appropriate disposition of the application (*in accordance with Section 32 (1) of Administrative Order #1*) and may:

- a) Place the delegation on a *future* agenda of the Standing Committee
- b) Refer the delegation to another Standing Committee or Committee of Council
- c) If the delegation is requesting financial assistance or tax exemption refer the delegation to the Grants Committee
- d) If the subject matter can be addressed by staff, refer the delegation to the appropriate business unit -including referring to procurement for requests related to the provision of products or services
- e) Determine that the Standing Committee will receive only written submissions on the matter; or
- f) If the matter of the presentation is outside of the mandate of the Standing Committee or jurisdiction of HRM, refuse the request.

When delegations/presentations are placed on the Standing Committee Agenda Section 32 (4) of Admin Order #1 would be used by the Committee to guide them:

- Maximum of two presentations scheduled per meeting
- Each presentation to deal with only one topic
- Each presentation to be a maximum of two speakers to speak no more than 5 minutes each
- Presentations to be relevant and timely to the work of the Committee
- Committee members may ask questions of clarification of the presenters, but there shall be no debate of the subject matter of the presentation,
- The presentation shall be either "received" or "referred to staff for -review, comment and recommendations" if applicable.

Requests to hear a delegation that are made from the floor by a Members of the Standing Committee should be dealt with by the Committee following the same disposition options as outlined (above) under section 32 (1) of Administrative Order #1.

A Committee may, by motion with a 2/3rds vote of the members of the Committee present, suspend the rules of order and immediately hear from a delegation.

Committees are cautioned in taking this action as it open the Committee to hear from delegations without due consideration of the most appropriate disposition of the matter from the options available to the Committee.

## **6.0 POWER TO ALTER**

The Standing Committee has the power to the suspend rules and procedures by motion and a 2/3rds vote of the members present at the meeting – except for those matters that are directed specifically by Regional Council under Administrative Order #1 – such as members of Council who are not members of the Committee not being able to vote, the circulation/distribution of correspondence/petitions on matters before the Committee from the Office of the Municipal Clerk.

## **7.0 WRITTEN SUBMISSIONS**

In regard to the disposition of written submissions to Standing Committees or other Committees of Council is outlined in Administrative Order #1:

Administrative Order #1 addresses the procedures for communications/correspondence to be placed in front of Regional Council. As a matter of practise, any communications or correspondence received by the Office of the Municipal Clerk on matters on an agenda of a Standing Committee is circulated by the Clerk's Office to the members of the Committee and becomes part of the public record in regard to the item before the Committee.

*The Clerk shall arrange that the communication be placed before Council unless, upon examination, the Clerk is of the opinion that it contains matter that is impertinent, improper or libellous in which case the person presenting the communication shall be advised that the document is not deemed suitable form for presentation to Council... Section 31 (3) Admin Order #1*

The circulation of correspondence to a Committee does not require any action be taken on the part of the Committee in regard to the correspondence.