

11.1.7 Legislative Requests Review

A staff report dated July 26, 2013 was before Council.

Correspondence from the Honourable John MacDonell, Minister, Service Nova Scotia & Municipal Relations, dated August 7, 2013 was before Regional Council.

MOVED by Deputy Mayor Rankin, seconded by Councillor Craig that Halifax Regional Council:

- 1. Approve the list of seven legislative amendment requests to keep, as set out in Items 1 to 7 of section I of the revised legislation request chart attached to the staff report dated July 26, 2013;**
- 2. Include the request to legislate the Halifax International Airport Authority (HIAA) Development Grant Agreement as a Tax Agreement and include it in the HRM Charter;**
- 3. Add a request to work with Service Nova Scotia and the Property Valuation Services Corporation (PVSC) to change the commercial tax assessment so it is based on 3 past years of assessment rather than one year;**
- 4. Approve removal of Item 10 (Salary Disclosure) and Item 11 (Community Council Powers) in section II, as these matters can be addressed outside the current legislative review process;**
- 5. Approve retention of Item 12 (NS Utility & Review Board to conduct Municipal Boundary Review) in section II, as a continued priority of Regional Council in the interest of good governance;**
- 6. Approve the removal of the 23 remaining amendment requests, as set out in numbers 13 to 35 of section III of the revised legislation request tracking sheet attached to the July 26, 2013 staff report; and**
- 7. Direct staff to forward the revised list of legislative requests to the Minister of Service Nova Scotia & Municipal Relations.**

Councillor Hendsbee suggested the item should come to a Committee of the Whole where Councillors will be given the opportunity to add more items and provide a forum for broader discussions.

Councillor McCluskey raised concerns about item number 3 in the list and noted she would welcome the opportunity to have an expert attend a subsequent meeting to provide Councillors with more detail.

MOVED by Councillor McCluskey, seconded by Councillor Karsten that item 3 be referred to the Audit and Finance Standing Committee with a recommendation back to Regional Council as soon as possible.

Councillor Karsten noted that items also concerned him when he reviewed the list and noted that this request does not accurately reflect the will of the Audit and Finance Standing Committee when it was discussed in 2012.

Mr. Mike Labrecque, Deputy Chief Administrative Officer, noted that commercial taxation was discussed early on in the budget process and it is in this list for that reason.

Mr. Bruce Fisher, Manager, Financial Policy and Planning noted that at the December 19, 2012 Revenue and Taxation budget meeting at the Audit and Finance Standing Committee, a motion passed asking staff to investigate possible commercial tax changes based on a moving average of assessed values.

Councillor Outhit echoed Councillors McCluskey and Karsten. The item came to Audit and Finance as an option for leveling out assessment spikes for small businesses. However, no direction was given. Further discussion should occur at Audit and Finance, but should be a priority.

Councillor Watts indicated that this is a substantive issue in her District and wanted to know how it will be reviewed and when it will come back to Council.

Councillor Karsten indicated his willingness to have it discussed at the next Audit and Finance Standing Committee meeting.

Councillor Walker noted this item is time sensitive and another delay is undesirable. If this item isn't addressed at the fall sitting of the provincial legislature, it won't be in place for the spring.

Deputy Mayor Rankin noted the purpose is to make taxation predictable, as unpredictable taxation is not conducive to good business.

A vote was taken on the amendment:

MOTION PUT AND PASSED UNANIMOUSLY. (16 in favour)

Those absent for the vote: Councillor Linda Mosher.

Councillor Dalrymple referenced his concern with number 5. He noted that the HRM boundary review committee conducted the appropriate consultation process regarding electoral boundaries, whereas the Nova Scotia Utility Review Board (UARB) carried out

only minimal consultation. He noted he is not comfortable with the process outlined in the report.

Councillor Mason referenced sub-item number 27 under recommendation number one with reference to changes for active transportation. He noted that the existing list is too narrow and the request should include future growth as well.

Ms. Anne Totten, Corporate Policy Analyst, responded that the list can be expanded if that is Council's desire.

Councillor Mason indicated his preference is that number 11 in Appendix I be retained as acquiring broader powers does not mean exercising them.

With reference to item number 18 in Appendix I, Councillor Mason asked if there is anything in the HRM Charter which precludes HRM giving money to not-for-profits.

Mr. Derk Slaunwhite, Solicitor, indicated that the Charter outlines the difference between expenditures on grants and contributions, with a specific list in the Charter for possible recipients.

Councillor Mason turned to item number 26 regarding heritage in appendix I and noted there are numerous contradictions contained in the *Heritage Property Act* and suggested staff proceed with a request to have it reviewed more broadly.

MOVED by Councillor Karsten, seconded by Councillor Dalrymple that Item #5 – Boundary Review Process be referred to the Mayor's Agenda Review to determine the appropriate body to first consider this matter.

Councillor Karsten asked staff how this item arrived at this meeting, with Ms. Totten responding that direction to bring the powers of community councils, district boundaries and salary disclosure was directed by Council.

Councillor Outhit noted that Regional Council should have no more say on District boundaries than it does on salaries.

Councillor Rankin noted that elected members should not be responsible for making decisions with respect to district boundaries. Following this course of action would not be transparent and alterations should be up to an independent review.

Councillor Karsten noted that this process is not enshrined in legislation and is up to Regional Council. The present Regional Council has not spoken on this issue yet.

A vote was taken on the motion on the floor:

MOTION PUT AND PASSED. (9 in favour; 6 opposed)

Those voting in favour: Councillors Dalrymple, Hendsbee, Karsten, McCluskey, Fisher, Mason, Watts, Walker, Whitman.

Those voting against: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors: Nicoll, Johns, Craig, Outhit.

Those absent for the vote: Councillors Mosher and Adams.

Councillor Watts asked for clarification on the following items:

- Number 14, recommended removal of geothermal exemption.
- Number 3, recommendation to keep the change to notice of claims, specifically the 21 day limitation period.
- Number 6, recommendation to keep charges for future use, specifically whether HRM has the ability to charge capital cost charges for transit.

Ms. Totten responded, with respect to number 14, that the issue was dealt with at a staff level and there is no need to request a change on this point. With respect to number 3, this change will allow Legal Services to collect claim evidence in a timely manner. On the final point, HRM does have the authority to collect capital cost charges for transit.

Councillor Watts noted that these items should be put through the appropriate standing committees for review before arriving at Regional Council.

Councillor Whitman asked why the salary disclosure item is listed if no legislative changes are required, with Ms. Totten responding that an Order in Council is necessary to make the change.

Councillor Walker asked if Service Nova Scotia is aware that these revisions are coming forward, with Ms. Totten responding that they are aware they will be presented before the fall session of the legislature.

Councillor Walker noted HRM has been waiting for over forty amendments and it is a significant departure to remove twenty-three of those recommendations.

Mr. Labrecque noted that the purpose of the report is for Regional Council to focus the list of requested legislative changes.

Councillor Hendsbee noted that a Committee of the Whole is the optimal method for discussing these items, with items 13-35 requiring a more fulsome debate and discussion.

MOVED by Councillor Hendsbee, seconded by Councillor Nicoll that all items be held in abeyance until they can be considered by Committee of the Whole.

MOTION DEFEATED. (8 in favour; 9 opposed)

Those voting in favour: Councillors Dalrymple, Hendsbee, Nicoll, Mason, Watts, Whitman, Johns, Craig.

Those voting against: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Karsten, McCluskey, Fisher, Mosher, Walker, Adams, Outhit.

Councillor McCluskey pointed to Number 6, Charges for Future Use, and asked if the property owner is charged up front and the money then collected when development takes place, with Ms. Totten responding this is the case.

Councillor McCluskey noted that the developers should pay for the cost as a part of the development process.

Councillor McCluskey noted she does not support taking out Number 16 on Water Fowl and attributes a number of beach closures to water fowl issues, with Ms. Totten responding that staff were not able to move this matter forward and believed they had another avenue through which to reach a resolution.

Councillor McCluskey noted there should be capital cost charges for transit.

MOVED by Councillor Mason, seconded by Councillor McCluskey that Request Number One be amended as follows:

“Capital Cost Charges for recreation, libraries, growth studies and other growth related expenses

Request that the HRM Charter be amended to allow Capital Cost Contributions to be collected from developers for the growth related portion of capital costs, for example those related to Fire Services, Recreation Facilities, Libraries, growth-related studies and other similar growth related expenses resulting from subdivision.”

Following further discussion, a vote was taken on the amendment on the floor:
MOTION PUT AND PASSED. (11 in favour; 6 opposed)

Those voting in favour: Mayor Mike Savage; and Councillors Dalrymple, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Johns, Craig, Outhit.

Those voting against: Deputy Mayor Rankin; and Councillors Hendsbee, Karsten, Walker, Adams, Whitman.

A vote was taken on the main motion as amended, which reads:

MOVED by Deputy Mayor Rankin, seconded by Councillor Craig that Halifax Regional Council:

1. **Approve the list of legislative amendment requests to retain, as set out in section I of the revised legislation request chart attached to the July 25, 2013 staff report, with item#1 in Appendix 1 being amended, and with items 3 and 5 being referred for further consideration as follows:**

Capital Cost Charges for recreation, libraries, growth studies and other growth related expenses

Request that the HRM Charter be amended to allow Capital Cost Contributions to be collected from developers for the growth related portion of capital costs, for example those related to Fire Services, Recreation Facilities, Libraries, growth-related studies and other similar growth related expenses resulting from subdivision.

2. **Include the request to legislate the Halifax International Airport Authority (HIAA) Development Grant Agreement as a Tax Agreement and include it in the HRM Charter;**
3. **Approve removal of Item 10 (Salary Disclosure) and Item11 (Community Council Powers) in section II, as these matters can be addressed outside the current legislative review process;**
4. **Approve the removal of the 23 remaining amendment requests, as set out in numbers 13 to 35 of section III of the revised legislation request tracking sheet attached to the July 25, 2013 staff report; and**
5. **Direct staff to forward the revised list of legislative requests to the Minister of Service Nova Scotia & Municipal Relations.**

MOTION PUT AND PASSED. (15 in favour; 2 opposed)

Those voting in favour: Mayor Mike Savage; Deputy Mayor Rankin; and Councillors Dalrymple, Karsten, Nicoll, McCluskey, Fisher, Mason, Watts, Mosher, Walker, Adams, Johns, Craig, Outhit.

Those voting against: Councillors Hendsbee and Whitman.

The Mayor assured that these requests and communications from HRM to the Province will be based on discussions had during the budget process, Council priority identification and past presentations.