

HALIFAX REGIONAL COUNCIL

COMMITTEE OF THE WHOLE

MINUTES

JUNE 27, 2000

PRESENT: Mayor Walter R. Fitzgerald
Deputy Mayor John Cunningham
Councillors: Steve Streach
Keith Colwell
Ron Cooper
Harry McInroy
Jack Greenough
Condo Sarto
Bruce Hetherington
Clint Schofield
Jerry Blumenthal
Graham Downey
Sue Uteck
Sheila Fougere
Russell Walker
Bill Stone
Graham Read
Stephen D. Adams
David Merrigan
Robert P. Harvey
Peter Kelly
Jack Mitchell

Regrets: Councillors: Gordon R. Snow
Reg Rankin

STAFF: George McLellan, Deputy Chief Administrative Officer
Wayne Anstey, Municipal Solicitor
Vi Carmichael, Municipal Clerk
Sandra Shute, Assistant Municipal Clerk

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1. **APPROVAL OF MINUTES**

1.1 **Committee of the Whole - March 28, 2000**

MOVED by Councillors Blumenthal and Mitchell to approve the Minutes of meeting held on March 28, 2000 as circulated. MOTION PUT AND PASSED.

1.2 **Committee of the Whole - April 4, 2000**

MOVED by Councillors Blumenthal and Mitchell to approve the Minutes of meeting held on April 4, 2000 as circulated. MOTION PUT AND PASSED.

1.3 **Committee of the Whole - April 11, 2000**

MOVED by Councillors Blumenthal and Mitchell to approve the Minutes of meeting held on April 11, 2000 as circulated. MOTION PUT AND PASSED.

2. **APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS**

MOVED by Councillor Walker and Deputy Mayor Cunningham to approve the Order of Business as presented. MOTION PUT AND PASSED.

3. **REPORT - UNSM PRESIDENT**

Mr. Duart MacAulay, President, Union of Nova Scotia Municipalities provided information on what has happened within the UNSM since he took over as President last Fall, the accomplishments and on-going issues:

- UNSM requested the provincial government to amend the legislation to allow municipalities the use of the provincial voters list. An amendment to Bill 8 has allowed that.
- UNSM, through FCM, sought the National Infrastructure Program. In November, 1999, he made a presentation to the Federal Standing Committee on Finance to include a National Infrastructure Program in the upcoming budget. In February, 2000, the program was included in the Federal budget and details of that agreement are now being negotiated. UNSM has been lobbying for a seat on the provincial Management Board to enable a presence when decisions are made on what projects will be approved.
- Last November, the provincial Finance Minister announced that all provincial programs would be under review. UNSM had concerns at the time with specific

- agreements in place such as HST and Community Services. The two programs, however, do remain.
- He expressed appreciation for HRM's part in the negotiations regarding natural gas - a fair deal ending up with solidarity within UNSM.
 - UNSM is seeking a cap on mandatory education contributions.
 - Ongoing issues include major changes in the White Paper on Policing, a discussion paper on the concept of the Municipal Charter
 - Unresolved matter is the issue of the role of the rurals and towns at Regional Caucus meetings.
 - Steering Committee has considered recommendations brought to them. Any recommendations with price tags have been put in a parking lot concept created by the province. Two stumbling blocks were local roads and education costs.
 - In compliance with the Municipal Government Act regarding fiscal changes, the largest issue was the municipalities taking over the cost of assessment. UNSM strongly opposes this. The Minister has been requested to allow UNSM to have some say in the matter if there are going to be any changes in the way services are delivered. With the strong stand of HRM and UNSM, the province is taking a second look.
 - The Annual Conference will be held on September 20-22, 2000 in Truro.

Following Mr. MacAulay's presentation, Councillor Adams noted there did not seem to be any movement on what Sempra plans to do. He suggested that UNSM and HRM could put forward a joint letter to ask what their time frame is and what their plans are because, at the time of negotiations, time was of the essence but it does not appear to be such a pressing issue now.

Mr. MacAulay advised it had been brought to his attention last week that there was not much contact with Sempra. He agreed to sit down with the Sable Gas Committee or with Councillor Adams and HRM staff and handle it.

Mayor Fitzgerald expressed appreciation for anything that Mr. MacAulay could do in this regard and requested that Council be kept informed.

4. SUPPLEMENTARY EDUCATION FUNDING

Councillor Blumenthal outlined the problem that exists today with School Board support staff for Halifax/Dartmouth and why there were many of these support staff in the gallery. He pointed out that the money already approved by Council was for Bedford/Halifax County and would not satisfy the people who are here today.

Mr. George McLellan, Deputy Chief Administrative Officer advised he was asked to look into the matter of how Supplementary Funding has been handled in the past and what the

impacts are of the current recommendations. He could not be conclusive because the School Board has not had the opportunity to present the recommendations with regard to the \$2.3 million. At this time, the situation that Council must address is the motion passed by Council regarding the \$2.3 million. The motion as worded deals with "instructional support staff" which has a different meaning to the School Board than it does to the Union. Regional Council now has to decide what they understood the motion to mean.

As to what has happened in the past with regard to Supplementary Funding, Mr. McLellan advised that funds have not been appropriately applied; the Supplementary Funding intended for Halifax/Dartmouth was used to smooth the effects throughout the system and this was actually against the Act. He was concerned that this was never communicated. The current people in place at the School Board are intent on trying to deal with this. There are issues now as to whether or not if they had done anything back then, would Council have dealt with the problem back then. Now that the funding has been repatriated to Halifax/Dartmouth, there was a huge fallout in the remaining area of the school system and that was why the \$2.3 million was brought forward. This, therefore, leads Council back to the issue of what it believes it is doing with that \$2.3 million. It should be reconfirmed today for everybody's benefit.

Mr. McLellan pointed out, however, this does not replace all the money in the system to keep it exactly the way it is. There are still going to be impacts and everybody will not necessarily be happy. Money being replaced supposedly from additional Supplementary Funding is not entirely to deal with what the province cut back. He suggested that Council should deal with the clarification of the issue with regard to the wording and the School Board should have the opportunity to advise how they intend to apply it. Unless Council clarifies its intent with the wording, he understood that many of the recommendations the School Board was prepared to make would not apply as they do not deal with what the Union or many of the employees would consider to be "instructional support".

At this point, the Clerk read the motion in question:

It was moved by Councillors Adams and Walker that Council approve a 3.5 cent per \$100 assessment area rate for the former Halifax County Municipality and the former Town of Bedford for 2000/2001 for Supplementary Education Funding to be used specifically for instructional support staff.

The following items were received by Regional Council before and during the meeting:

1. Budget Highlights - Supplementary Funding - 2000-2001 - Former Halifax County/Bedford
2. Staff Establishment - School Board - 2000-2001 Budget
3. Supplementary Funding Allocation - Halifax County/Bedford (Family of Schools)

4. Extract from Draft June 20, 2000 Regional Council Minutes
5. Letter received on June 26, 2000 from Nancy Blumenthal
6. Transmittal dated June 26, 2000 from Joslyn Yelland
7. Letter dated June 23, 2000 from Lalona Priest, PTA Co-President, Chebucto Heights School
8. Letter dated June 22, 2000 from Shawna Taylor, PTA Co-President, Chebucto Heights School
9. Letter dated June 22, 2000 from Dannia Dobbin, Chebucto Heights School
10. Letter dated June 26, 2000 from Blaine Robinson and Peggy O'Connell, CUPE Local 108
11. Letter received June 27, 2000 from Pat Rhodenizer, Rockingham School
12. Presentation paper from Canadian Union of Public Employees Local 108
13. Presentation paper from Wendell Thomas

Mr. Richard Morris, Chief Financial Officer for the School Board referred to the budget highlights by Family of Schools for the Supplementary Funding Allocation: Halifax County/Bedford which will be presented to the School Board tonight for approval. Mr. Morris provided an overview of the report and advised that the budget reflects the priorities identified by the principals to spend the \$2.3 million for the 2000-2001 school year. A further report indicated how the Families of Schools used the resources. If there were questions as to breakdowns for individual schools within those families, Ms. Geraldine MacSween was in attendance to answer questions in this regard.

Councillor Greenough pointed out that people in the gallery appeared to be quite anxious to know where they stand in terms of allocation of the \$2.3 million for the Halifax County/Bedford area. The motion was that the funds should be used in total to rehire instructional support staff but, even with that motion, he gathered there were insufficient funds in the \$2.3 million to accomplish the total objective. He asked what this meant to those who have been given notices that they will not have a job next year or that their job is being reduced.

Ms. Geraldine MacSween, Supervisor, Staffing and Resources provided information on numbers in the previous budget compared to the proposed budget and the area of the Municipality where the losses will occur.

Councillor Stone stated that the assumption was that with the giving of Supplementary Funding for Halifax/Dartmouth, the status quo would occur; however, there has been a considerable reduction in staffing. He asked where the money was going. In response, Ms. MacSween advised that Supplementary Funding in both Halifax and Dartmouth did not pay for all the Library Technicians, for instance, in those areas. Some were financed out of the Global General Fund but the Supplementary Funding for Library Technicians and Assistants at Elementary Schools came out of Supplementary Funding as did some Library

Technician service at some High Schools. The Supplementary Funding budget is the same as last year. The difference is in the service being delivered because the Global budget has been reduced and what was left is being spread out.

Councillor Stone referred to elementary staffing statistics where reductions occurred and asked for clarification. Ms. MacSween subsequently advised that the number of Library Assistants budgeted through supplementary funding remains the same but the service was extended to include the nine Junior highs. In extending that service, some of the elementary school service was reduced.

Councillor Stone asked what about the Junior Highs in the County and Bedford. In response, Ms. MacSween advised that as of this budget year, there was nothing in the Global budget for library. That was why one of the decisions among Families of Schools was to take back Library Technicians.

Councillor Stone asked why all of the Library Assistants got a layoff notice and all have to go to a Job Fair to find out about their jobs. In response, Ms. MacSween advised it has more to do with contracts and seniority. In order to meet the requirements of the contracts, if that service was changed or reduced, they were given a redundancy notice for their particular job. In addition, it brings people back on a seniority basis. She expected they would know next week about their jobs.

Mr. McLellan advised that the School Board is generally agreeable to providing additional information on the application and use of Supplementary Funding for when HRM goes through the budget process next year.

Mr. David Reid, Superintendent, Halifax Regional School Board advised that the Board was compelled to take \$11.4 million from the Global Fund because of the allocations from the province. That effectively lowered the standard for virtually every service the School Board supplies. What was possible within the Supplementary Fund for Halifax/Dartmouth was the ability to put some of those resources back in and to augment the lowered standard. The other fact that needs to be understood is that the Halifax County/Bedford area suffered a double whammy. Not only did it have to anti up to pay its share of the \$11.4 million reduction but, in addition, because of the vigor with which the School Board has addressed the financial accountability of the Supplementary Fund, it was necessary to transfer \$4.3 million of resources from the County/Bedford over into Halifax/Dartmouth where the money was raised.

Councillor Stone asked where the \$4.3 million went when it went back to Halifax/Dartmouth. If that amount of money and resources went back, why was it necessary to reduce jobs by 50%. In response, Mr. Reid advised it was clearly outlined in the budget document approved by the Board on May 30, 2000. The School Board

redefined clear Terms of Reference of how Supplementary Funds would be expended. All of that information has been provided to Council. He continued that the School Board's Terms of Reference - which would be under review at the School Board meeting this evening - were very clear on who is going to make the decisions with respect to the allocation of resources - the Board. The School Board has to be accountable on how the monies are spent but believed that the Board's Principals, working through the Families of Schools and Lead Principals, are best situated to make the determinations. In the case of Halifax/Dartmouth, that is where they will move next year. The recommendation going to the School Board this evening on the \$2.3 million is exactly what the system needs.

Mr. McLellan clarified that half of what the province took away in funding was well communicated as a one-time grant and it was known ahead of time. With regard to Supplementary Funding, all Council is asking for is a pro forma as to where the money will go at the time of HRM's budget review. Prior to Mr. Reid coming to the School Board, Council felt they did not get any feedback and it was Council's money. Supplementary Funding is still a discretionary amount that Council gets to make a decision on.

Mr. Reid stated his remarks under no circumstances should be construed as unappreciative of the allocation from HRM nor was he in any way, shape or form suggesting that the School Board does not recognize the responsibility of Council to the community with respect to the expenditure of these funds. His remarks had to do with those best situated to decide where the funds should go - the Principals. He was confident the recommendations from the Principals were the way to go with respect to the \$2.3 million this year and in future years, with every supplementary-funded dollar.

Councillor Hetherington said it is not even Council that has the ultimate say in how the money is spent; it is the public and the public will have a major say this October. He asked for clarification regarding funding for Library Assistants and Educational Program Assistants in Dartmouth.

Ms. MacSween advised that the School Board had four budgets: Halifax Supplementary Funding, Dartmouth Supplementary Funding, County/Bedford Supplementary Funding and General budget. She then provided information on how the general budget was applied across the region, which resulted in a substantial change in every school. She outlined some of those changes. Then, with Supplementary Funding, there was consideration to make sure that classroom teachers were put back so that the size of the classes would come back to the norm. Sixty-five classroom teachers were added through Supplementary Funding to build in the difference between what the general budget did not cover because of budget considerations and what Supplementary Funding could. Supplementary Funding was not sufficient to give enough classroom teachers back to retain the class size they had before, plus the support staff.

Councillor Hetherington said that what this resulted in was hiring more teachers with no one to support them. He was satisfied that someone was now going to be accountable for Supplementary Funding, however, since amalgamation there has been a period of time when funding went out of the jurisdiction of Halifax/Dartmouth, against the law.

Councillor Schofield said he did not think that 65 teachers should be hired and then lay off support workers. He asked how the \$4.3 million went out of Halifax/Dartmouth in the first place and stated that to give notices to 400 people was cruel.

Mr. McLellan said that, inappropriate or not, Council is left with the question that if the money had been spent correctly in past years, what would have happened in the County/Bedford area as a result and how would some of the Councillors in that area feel about Supplementary Funding if it had been spent properly. The other issue that Council was left with was there is not enough money and if all the money goes to retain a group of employees, there is insufficient for other groups of employees. The School Board has to either be held to account, supported or denied in its efforts to spread the funds around. This year, even though Supplementary Funding has been repatriated to the proper area, the question now is whether or not it is appropriate that it be used for something other than the traditional supplementary purpose but the general purpose of a core education.

Councillor Sarto asked for clarification regarding teachers and other staff in the Dartmouth area. The information requested was provided by Ms. MacSween.

Councillor Harvey said that what this comes down to is that there is not enough money to retain every position - provincial, mandatory, supplementary in the two former cities and not enough education rate money for Bedford/County. It was an education rate, not a supplementary rate for the County/Bedford because a supplementary rate would have raised more money because businesses would have been included. As to how to raise more money, he stated the rate for the County/Bedford should have been at least five cents, not 3.5 cents. As well, there was a \$1 million windfall from the mandatory rate this year which Council decided to keep in a reserve fund for next year. This should be reexamined and released to the education system. The Families of Schools have indicated what the system needs most; therefore, he had confidence that the way it has been derived does reflect the intent of the motion two weeks ago. The only way to make it better would be to put more money in: release the \$1 million in reserve and put the rate up to five cents. Part of the grief is the way the Union Contract is written. He understood there was a bumping clause that does not recognize what job the person is doing, but recognizes primarily seniority. An EPA can bump a Library Tech if they have more seniority and have 90 days to be trained for it. These are two different types of job skills and requirements. You cannot take all members of CUPE and look at them as being the same in the system as they are not doing the same work. Somewhere in the contract it

should be recognized what people are doing, not just how many years they have been doing it.

Councillor Blumenthal stated he was bothered by the fact that Council was missing a major point in that more than 400 employees have received lay off notices, the Job Fairs have been postponed, the notice to employees states that no posting will occur until mid-August. This puts life on hold for the summer. HRM should be concerned for these 400 people. Three hundred of the 400 people were going to be hired back but would have had their lives disrupted in the meantime.

Mayor Fitzgerald asked for clarification from the School Board on what would take place with layoffs.

In response, Mr. Reid advised that the School Board has tried its best to give serious, clear, concise information but could not account for whether or not the people who read that information understand it. Concerning layoff notices, there are provisions outlined clearly within the collective agreement and a process to follow. The School Board consulted directly with the Union a number of times and put the question directly to the leadership if they wanted to defer or not. Because the decision on the \$2.3 million would not be made until this evening, it was agreed to defer until next week. He acknowledged it was apparent that the School Board needed to do a better job of communication and will be working extra hard to ensure that the information is clear and concise.

Mr. Power, Union President stated that 400 layoff notices have been issued and there has not been a staffing complement provided to the Union for the upcoming school year. The reason the Job Fair is not on today and tomorrow is because the School Board did not have the staffing allocations done. It was nothing to do with an agreement between the Union and School Board to do it any other way. The Union never agreed to the Job Fair in the first place because they told the School Board three weeks ago they did not need to issue 400 layoff notices to downsize 140 positions. He referred to a motion of the School Board passed on May 23, 2000 which indicated that \$3.31 million be transferred from the regular budget to the Supplementary Fund budget to provide for the net transfer of 57 teachers from Halifax County/Bedford to schools in Halifax/Dartmouth. The motion before that from Audit and Finance Committee indicated that \$520,000 be transferred from the regular budget to the Supplementary Fund budget to provide for 16.5 additional EPAs. This left \$520,000 unallocated. The total loss the bargaining unit is facing is 140 at 2/3 year salary at \$24,000 is \$2.4 million which matches what Council passed two weeks ago for Halifax County/Bedford. All of the money cannot be spent on the bargaining unit because there were not that many positions in the County/Bedford schools being cut. The motion approved by Council was to replace positions in instructional support but there has been discussion with the School Board as to what it means. Provincial legislation defines instructional support staff as Educational Program Assistants, Library Assistants,

Technicians and Student Support Workers. The School Board was asked to provide information on which employees were being cut at which sites so that the Union could tell the School Board how to replace those positions. As far as the collective agreement was concerned, it was only two years old and the School Board agreed to put the layoff/bumping provision in because of the type of employees and the movement of employees within the bargaining unit. The Union was happy with what was there but the School Board indicated consistently it was not following the contract but was going to give out 400 layoff notices, hold a Job Fair in order to eliminate 140 people. The cancelling of the earlier Job Fair was never discussed with the Union.

Mr. McLellan said there was no question regarding the definitions as enfranchised by the province; the issue before Council was that the motion had no reference to definitions within the bargaining unit and made no reference to bargaining unit.

Ms. Campbell said it was important to clarify the intent of the motion so that the Board can move ahead.

Mr. Wendell Thomas, reading from prepared text, made a presentation to Council expressing concern with the issue of systemic racism and lack of employment equity that appears to exist within the Halifax Regional School Board. He also referred to a document circulated prior to Council entitled "Canadian Union of Public Employees Local 108 Students First" and provided information from that document. Systemic racism and inequitable employment practices by the School Board were unacceptable.

Councillor Kelly asked for clarification on the overall approach for the Families of Schools. In response, Mr. Kevin MacMillan, Lead Principal Area A provided the information requested.

Councillor Greenough, referring to the allocation of Supplementary Funding in Dartmouth, stated it was clear there was not enough money to go around. As well, the School Board is attempting to comply with the Municipal Government Act which says that Supplementary Funding raised in a specific area will have to be spent in that area, which was not the case previously but the School Board has acknowledged that. The School Board also acknowledges that \$4.3 million is not going to be transferred back into Supplementary Education funding as they are keeping \$635,000 to pay out the teachers for the rest of this year. In addition, there is \$350,000 allocated for administrative costs. This was just another way of transferring some of the Supplementary Funding raised in Halifax/Dartmouth to the general fund. This should be looked at in the future. He looked to the School Board to comply with the legislation. Short of coming up with additional funding, he felt that Council would have to say that the School Board should do the job as best it can to meet the needs of the students. He was not saying, however, that the School Board could play fast and loose with the legislation about not spending the funds raised

in Dartmouth, in Dartmouth. It was unfortunate that people were losing jobs but it was not the fault of Council because there was \$11.5 million reduced at the provincial level and HRM did not have the resources or means to cover this.

Ms. Lois Harten said she did not understand the layoff notice process. She could make twice the money somewhere else but she put kids first. There was something wrong with the way the School Board treated their employees and they made the little people angry. After 23 years service, there should not be a need to go to a Job Fair. Libraries were necessary in a school to support the curriculum.

Mr. Reid said it would not be of service to Council for any members of the School Board to debate staff issues. It was important to note, however, that the Board values every employee and the contributions that Library Technicians and Assistants make to the system. The School Board employs over 8000 and has to use its resources in the best way and could not address specific needs. He took great exception to the Board being insensitive or racist but would not debate the issue in this forum. The issues raised by Union leaders and others would be addressed with staff.

Councillor Cooper stated he felt that the School Board is catching up on problems that started four or five years ago. Because of the determination of Council for true accountability, the Board finally realized the position they assumed when they took over and now has been called to account for it. He was not aware of the exact narrow meaning of support staff in the motion that came forward. In his opinion, the intention of the \$2.3 million was to use in the classroom, not to buy equipment or fix things. In that case, what Council has before it is certainly an acceptable way to do things but it also shows limitations on where Supplementary Funding can be spent. This criteria should apply across the whole of HRM. He suggested that Council continue on its track of demanding accountability and set strict limitations.

Councillor McInroy said that as long as Council clearly communicates to the School Board its expectations of where the funding goes, the role of Council in education is not a leadership role. This was not to say that Council does not put students first as well but Council was not a bottomless pit. For the former County/Bedford area to implement a 3.5 cent rate this year, was not an easy thing to do.

Mr. McLellan stated that in the interests of time, the School Board has a meeting at 6:00 p.m. tonight. There will not be a Job Fair unless Council can determine what was intended with the motion. It was also important to look at the principle of what Supplementary Funding was intended to do because this year there has been something different done with it as they have used it to support areas of funding that were traditionally the realm of the General fund, i.e. core educational purposes, and was that acceptable. The greatest

risk of all is that if meetings continue with no decision made, no interest will be served and it will be September without having gotten to any conclusion.

Councillor Cooper asked for clarification that today was to decide the use of \$2.3 million. In that particular case, he was prepared to make a motion.

MOVED by Councillors Cooper and McInroy to recommend to Regional Council that the document, entitled Supplementary Funding Allocation: Halifax County/Bedford, dated June 27, 2000, as distributed to Regional Council on June 27, 2000 be the entire use for this year, which is that everything be used in the classroom.

Councillor Colwell acknowledged that the \$2.3 million has already been allotted to the School Board but pointed out this was area rate money, not Supplementary Funding money, and Council directs where it should be spent. There was still further information that needs to be provided, as far as he was concerned. He outlined what information he still wanted to have provided.

MOVED by Councillor Colwell to defer until further information is provided.

The motion was lost due to lack of a seconder.

Mayor Fitzgerald then called for the question on the original motion.

ORIGINAL MOTION PUT AND PASSED.

It was agreed that the recommendation from Committee of the Whole would go forward to Regional Council today, with it being the first item on the Agenda.

5. **ADJOURNMENT**

MOVED by Councillors Blumenthal and Fougere at 4:45 p.m. to adjourn. MOTION PUT AND PASSED.

Council then started the Regular Council meeting immediately with the first item on the Agenda being the Committee of the Whole recommendation re Supplementary Education Funding.

Sandra M. Shute
Assistant Municipal Clerk

