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Item No. 5

Halifax Regional Council
October 2, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

A handwritten signature in dark ink, appearing to read "Dan English".

Dan English, Chief Administrative Assistant

A handwritten signature in dark ink, appearing to read "ME Donovan".

ME Donovan, Director Legal Services & Risk Management

DATE: September 24, 2007

SUBJECT: Ex Officio Membership and Quorum at Committee

ORIGIN

At the September 18, 2007 Regional Council meeting, Regional Council referred a question to staff concerning amending Administrative Order One, the effect of which would be to exclude the Mayor in the calculation of quorum on municipal committees where the Mayor sits as an ex-officio member.

RECOMMENDATION

It is recommended that Regional Council amend Administrative Order One as follows:

68(4) In determining the quorum for a committee where the Mayor is an ex officio member, the Mayor shall not be counted.

BACKGROUND

Administrative Order One provides that the Mayor is an ex-officio member of all committees and has the powers and privileges of a member, including the right to vote upon any question to be dealt with by such committee. Where a committee is established by reference to a particular number of members without specifically providing for the membership of the Mayor, the number of the committee is automatically increased by one, being the Mayor.

Administrative Order One does not permit a committee to consider any business if a quorum is not present. A quorum for a committee is either: (1) if there is an even number of members, one-half of all the members thereof; or (2) if the committee has an uneven number of members, a majority of the members thereof. Administrative Order One expressly provides that the Mayor's ex-officio membership is considered in calculating a quorum; Administrative Order One states: "In determining the quorum, regard shall be had to the fact that the Mayor is ex officio a member of all committees".

DISCUSSION

Depending on the committee, the Mayor is either a named member of the committee or an ex-officio member of the committee. Where the Mayor is a named member of a committee, His Worship is counted for the purposes of determining quorum, just as every other named member. When the Mayor is an ex-officio member of a committee, presently Administrative Order One requires that the Mayor also be counted in determining quorum.

It is recommended that the Mayor not be counted for the purposes of determining quorum for those committees in which His Worship is an ex-officio member, which practice is consistent with Robert's Rules of Order. The proposed wording for the Administrative Order Amendment is per the recommendation.

BUDGET IMPLICATIONS

There are no budget implications related to this report.

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.

ATTACHMENTS

None

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.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 : Derk G. Slaunwhite, Solicitor, 490 4226