



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 8.8

Halifax Regional Council
October 16, 2007
October 23, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

Dan English, Chief Administrative Officer

Geri Kaiser, DCAO - Corporate Services and Strategy

DATE: October 9, 2007

SUBJECT: **Administrative Order One - Section 43(A)**
Requirements for Staff Reports

ORIGIN

At the October 2, 2007 Regional Council Meeting, Regional Council passed the following motion:

To amend Administrative Order One Section 43(a) to require a vote of Council to approve any request for a staff report and to eliminate the automatic requirement for such report.

At the September 25, 2007 Regional Council meeting, Regional Council inquired whether a motion, with budgetary implications, could be passed without receiving a staff report and recommendation.

RECOMMENDATION

It is recommended that Regional Council amend Administrative Order One by replacing 43(A) and adding sections 43(B) and 43(C), as set out in Appendix "A" attached hereto.

BACKGROUND

Section 43(A) of Administrative Order One provides that:

43(A) Council shall not vote on a motion arising out of a presentation made at Council or an item added to the agenda by a member of Council until a staff report and recommendation is received from the Chief Administrative Officer in respect of the subject matter of the motion, and a motion so made shall be deemed to be deferred until such report and recommendation is received by Council, but Council shall not be bound to adopt such recommendations.

The instructions received from Regional Council pertaining to section 43(A) of Administrative Order One are summarized as follows:

- (1) clarify that a staff report and recommendation from the Chief Administrative Officer is required before Council **approves** any matter having financial implications;
- (2) clarify that a staff report and recommendation from the Chief Administrative Officer is required before Council **approves** a motion arising from either a presentation at Council or an item being added to the agenda by a member of Council; and
- (3) draft wording confirming that Council may dispose of a matter in the **negative** without the requirement for a staff report and recommendation from the Chief Administrative Officer.

DISCUSSION

CAO Reports

The Multi-Year Financial Strategy for HRM requires that: (1) Council will “make decisions based on sound business planning and a full understanding of the financial implications...”, (2) “to add an expenditure, another budgeted expenditure has to be removed” and (3) that expenditures that arise during the course of the fiscal year, but are not provided for in the approved budget, must either have a positive or neutral net effect on HRM’s annual financial outcome. While staff understand and Council has followed the practice that prior to approving a motion having budgetary implications, whether positive or negative, Council was required to receive a report and recommendation from the Chief Administrative Officer, Administrative Order One does not expressly impose this requirement.

It is recommended that Administrative Order One be amended to align with the intent of HRM’s Multi-Year Financial Strategy and Council’s practice by requiring a staff report and recommendation before Council **approves** a motion having budgetary implications or **denies** a motion having financial savings. The recommended wording is attached hereto in Appendix “A” as sections 43(A) and 43(B).

Added Items

Section 22 of Administrative Order One requires that when a member of Council wishes to have an item placed on the Council agenda, the member must submit the request in writing to the office of the Municipal Clerk no later than 12:00 noon on the Thursday prior to the Council meeting at which the item is to be considered. A member of Council who wishes to have an item placed on the Council agenda following the noon deadline must submit the request in writing to the Mayor and the Chief Administrative Officer by noon on the Monday immediately preceding the Council meeting commonly referred to as an “added item”. If the item is not added, Council will not consider the matter unless the matter has been added to the Agenda with approval given by a two-thirds majority vote of the members present.

Motions on added items currently require a staff report and recommendation from the Chief Administrative Officer before a vote can be called. It is recommended that the current requirement that a staff report be required for such motions be continued.

Disposing of Motions

Administrative Order One needs to be clarified that a staff report and recommendation is not required from the Chief Administrative Officer if Council wishes to immediately dispose of a motion arising out of a presentation made at Council or an item added to the agenda by a member of Council. This will eliminate the need for staff to create reports that Council does not require, as the motion was defeated.

Staff is recommending that Administrative Order One be clarified that Council only requires a staff report before:

- 1) Council **approves** a motion (a) having financial implications, (b) arising out of a presentation made at Council, or (c) adding an item to the agenda by a member of Council;
or
- 2) Council **denies** a motion having budgetary savings.

The recommended wording is attached hereto in Appendix “A”.

BUDGET IMPLICATIONS

There are no budget implications associated with this recommendation.

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.

ALTERNATIVE

(1) Council could decide to continue under Administrative Order One in its current form.

ATTACHMENT

Appendix "A".

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 Slaunwhite, Solicitor, 490 4655

Report Approved by: _____
M.E. Donovan, Director, Legal Services

Financial Approval by: *M.E. Donovan*
For Catherine Sanderson, Senior Manager, Financial Services, 490-1562

Anna Marchand

APPENDIX "A"

43(A) Council may deny a motion:

- (i) arising out of a presentation made at Council, or
- (ii) arising out of an item added to the agenda by a member of Council,

without a staff report and recommendation from the Chief Administrative Officer in respect of the subject matter of the motion.

43(B) Council shall not deny a motion having financial savings until a staff report and recommendation is received from the Chief Administrative Officer in respect of the subject matter of the motion and the motion is deemed to be deferred until such report and recommendation is received by Council, but Council shall not be bound to adopt such recommendation.

43 (C) Council shall not approve:

- (i) a motion arising out of a presentation made at Council,
- (ii) a motion arising out of an item added to the agenda by a member of Council pursuant to section 22 herein, and
- (iii) a motion having financial implications or proposing, making, or authorizing an expenditure,

until a staff report and recommendation is received from the Chief Administrative Officer in respect of the subject matter of the motion and the motion is deemed to be deferred until such report and recommendation is received by Council, but Council shall not be bound to adopt such recommendation.

