



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 10.3.2**  
**Halifax Regional Council**  
**June 14, 2011**

**TO:** Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
Mayor Peter Kelly, Chair, Administrative Standing Committee

**DATE:** May 20, 2011

**SUBJECT:** Appointments to HIAA

---

**ORIGIN**

The May 17, 2011 meeting of the Administrative Standing Committee.

**RECOMMENDATION**

**That Halifax Regional Council request the Halifax International Airport Authority Board to change its membership provisions so that HRM puts forth a sole nominee for each vacancy for which they are to nominate.**

## **BACKGROUND**

The Administrative Standing Committee considered a Private and Confidential Information Report regarding Appointments to the HIAA Board at their May 17, 2011 meeting

On February 7, 2011 the Administrative Standing Committee recommended to Council appointments to the Halifax International Airport Authority. During the discussion Councillor Rankin requested that Legal Services review Article 4 of the International Airport Authority Board By-laws concerning Membership to the Board to ascertain if Halifax Regional Council is mandated to submit three nominations per vacancy.

## **DISCUSSION**

A memo dated May 10, 2011 from Legal Services provided the following advice:

*The Municipality must comply with the provisions of the Halifax Airport Authority Board and follow the by-laws relating to nomination as set out in section 4.4. The Municipality could request that the Halifax Airport Authority Board change its membership provisions so that HRM puts forth the name of a sole nominee, but until that request has been changed, the Municipality is bound by complying with the nomination sections as outlined in article 4 regarding membership for the Halifax Airport Authority Board.*

Members of the Administrative Standing Committee are of the opinion that HRM should receive the same consideration as other levels of government and nominate only one individual per vacancy. HRM is another level of government and not a third party organization.

The May 10, 2011 memo from Legal Services is attached.

## **BUDGET IMPLICATIONS**

There are no budget implications created by this report. Citizens receive a stipend for their service on the Halifax International Airport Authority Board which is fully funded by the Authority.

## **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**

Consideration of legal advice is held In Camera under Section 19 (1) of the HRM Municipal Charter and as such community engagement is not appropriate. Any decision arising from this report will be ratified by Halifax Regional Council in public session.

**ALTERNATIVES**

Halifax Regional Council may choose to take no action with regard to the membership provisions of the Halifax International Airport Authority Board. This is not recommended.

**ATTACHMENTS**

1. May 10, 2011 memo from Legal Services

---

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: Sherryl Murphy, Deputy Clerk 490-4211

---

---

**Attachment 1**

**MEMORANDUM**

TO: Cathy Mellett, Municipal Clerk

FROM: Angela Jones-Rieksts, Solicitor, HRM Legal Services

DATE: May 10, 2011

RE: HIAA Membership

---

At February 7, 2011 meeting of the Administrative Standing Committee a motion was passed to refer the matter of process for the HRM Nominations to the Halifax Airport Authority Board to Legal Services to seek an opinion on whether HRM Council is obliged to comply with the terms of nomination laid out in the HIAA by-laws or if, as a municipal body, council could rather provide the HIAA with only one nomination for vacant position and insist that the HIAA accept the nomination of Council.

The Halifax Airport Authority Board consists of 13 directors, 10 appointed by nominating entities (the federal, provincial and municipal governments and the metro Halifax Chamber of Commerce) and three appointed by the Board itself. The Halifax International Airport Authority is a locally controlled non-share capital corporation that was incorporated in November of 1995. On February 1, 2000 Halifax International Airport Authority took over the management of the Halifax Stanfield International Airport as Transport Canada relinquished its role of operator in favour of a more appropriate role as landlord and regulator.

Section 4.4 of the articles of the HIAA regarding membership require that the Municipality, through its authorized representative, name at least three different nominees for each office for which that nominator is making a nomination to be considered by the members for appointment as a member and that the nominator shall, through its authorized representative submit nominees for up to four-member offices.

The Municipality must comply with the provisions of the Halifax Airport Authority Board and follow the by-laws relating to nomination as set out in section 4.4. The Municipality could request that the Halifax Airport Authority Board change its membership provisions so that HRM puts forth the name of a sole nominee, but until that request has been changed, the Municipality is bound by complying with the nomination sections as outlined in article 4 regarding membership for the Halifax Airport Authority Board.