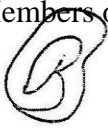


**Item No. 11.1.3**  
**Halifax Regional Council**  
**August 9, 2011**

**TO:** Mayor Kelly and Members of Halifax Regional Council

Original signed by 

**SUBMITTED BY:** \_\_\_\_\_

Richard Butts, Chief Administrative Officer

Original Signed by 

Mike Labrecque, Deputy Chief Administrative Officer, Operations

**DATE:** July 18, 2011

**SUBJECT:** HRM Resolutions to UNSM Annual Conference

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**ORIGIN**

Yearly process to submit resolutions for consideration at Union of Nova Scotia Municipalities Annual Conference.

**RECOMMENDATION**

It is recommended that Halifax Regional Council forward the six resolutions outlined in this report to the Union of Nova Scotia Municipalities Annual Conference. The resolutions are all related to requests for legislation:

- Bonus Zoning
- Heritage Property Protection
- Housing for Seniors
- MGA Boundary Review Process
- Municipal Elections Act – Electronic Voting
- Code of Conduct for Municipal Officials

## **BACKGROUND**

The 2011 UNSM Annual Conference is being held from November 1<sup>st</sup> to 4<sup>th</sup> in Halifax. Each year at its annual conference, UNSM debates a number of resolutions submitted by its 55 member municipalities. Those that are passed are forwarded to the Provincial government as requests for changes in policy, legislation, financing, etc. These resolutions have the benefit of UNSM's collective voice, and may be considered to have the support of all municipalities in Nova Scotia. A formal resolution passed by UNSM in support of the initiative(s) may assist the municipality in securing support for those items.

HRM is represented in the Regional Caucus of UNSM. The role of the Caucus is to elect members to serve on the Board and to make recommendations to the Board on matters of interest and concern to the caucus. In advance of each annual conference, Municipalities, Caucuses, the Board and the Resolutions Committee can submit resolutions for debate at the Fall Conference. To be properly received, the resolution must include whether the resolution was considered and passed by the municipal unit, i.e., whether Council has approved it.

All the resolutions outlined below relate to legislative amendment requests. HRM is developing a package of legislation requests for the fall Legislature session which focus on economic development – particularly the Regional Centre as the economic engine of Nova Scotia, and strengthened governance structures that will benefit HRM's economic and community development. The six resolutions in this report will form the basis of that legislation package, along with some others that are HRM-specific (i.e., not relevant to UNSM member municipalities). If passed at the annual conference, these proposed resolutions will benefit from UNSM support and increased profile with Provincial officials.

This report contains resolutions in addition to those being considered by the Environment & Sustainability Standing Committee concerning:

- Invasive Species
- EcoTrust Funding
- Sedimentation and Erosion Control

## **DISCUSSION**

### **a) Bonus Zoning**

Strengthening the Regional Centre is a key priority for HRM. In the summer of 2010, Regional Council unanimously approved Capital Ideas, an approach to growing our urban core that focuses on partnership, infrastructure, investment, and densification of the core to support the economy of Nova Scotia. It endorses principles around land use and development that emphasize redevelopment in areas that are already served by hard and soft infrastructure (streets, pipes, water and power connections, transit, parks, recreation facilities, etc).

By improving the livability of the urban core we can attract a critical mass of people, which will create prosperity. In order to bring more people onto the peninsula, HRM needs to build upon the principles of the HRMbyDesign downtown planning strategy. In particular, having the ability to grant bonus zoning throughout the Regional Centre is imperative to addressing issues of affordability and beautification that we need to attract people. Bonus zoning is the ability to grant extra density to developers in return for an improvement or stipulation of some sort to their site – for example, a set number of units reserved for affordable housing, or green space reserved for resident/public use. These kinds of mixed use developments are what are required to build the kind of integrated communities that attract people and businesses. Halifax Regional Council requested the legislative power to undertake bonus zoning in a motion dated June 23, 2009.

Bonus zoning is enabled in every other municipality in Nova Scotia, and in downtown Halifax (the area covered by HRMbyDesign legislation). However the rest of the municipality does not have the ability to grant bonus zoning. This creates an unequal situation for HRM communities outside the Regional Centre. HRM has requested that the Provincial government remedy this situation by extending bonus zoning to all of HRM. The support of UNSM in profiling this request would be helpful. It is recommended the following resolution be forwarded to the UNSM Annual Conference:

WHEREAS attracting an increased number of people is necessary to sustain vibrant, dynamic and growing communities;

AND WHEREAS HRM is committed to pursuing land use and development principles that emphasize densification and re-development in areas already served by existing infrastructure;

AND WHEREAS creating affordable and attractive buildings within existing developments will attract people and establish healthy, mixed-use communities;

AND WHEREAS the principle of bonus zoning rewards developers for constructing sites that meet the above-stated goals;

AND WHEREAS every municipality in Nova Scotia and the HRM regional centre already has the ability to undertake bonus zoning;

THEREFORE BE IT RESOLVED THAT the Union of Nova Scotia Municipalities supports HRM's request that bonus zoning be enabled within its boundaries to put it on an equal legislative footing with all other Nova Scotia municipalities and to eliminate the inequities within HRM itself.

**b) Heritage Property Protection**

Nova Scotia has some of the oldest and most historic communities in North America. Its heritage and unique character is one of its greatest appeals. Nova Scotian communities have

been able to retain much of their historic character through legislation dating back several decades that strengthened protection of heritage properties.

Downtown Halifax is one of the oldest urban centres in Canada. Its unique urban core is one of its main strengths in attracting people. HRM wishes to build on existing legislation around heritage properties by strengthening protection of registered municipal heritage properties from demolition, as per the legislative request Halifax Regional Council made of the Province in 2008. Extending the current one-year demolition delay to two years would provide more incentives for property owners and developers to keep the historical character of buildings; or alternatively, providing municipalities with the right to refuse demolition or approve it with conditions, would allow communities to protect their history while facilitating development.

It is recommended the following resolution be forwarded to the UNSM Annual Conference:

WHEREAS protecting heritage properties is an important part of preserving the history and character of Nova Scotian communities;

AND WHEREAS giving municipalities the tools to protect their history while facilitating development;

AND WHEREAS delaying the current one-year deadline for demolition of heritage properties would encourage developers and property owners to consider options that retain the essential features of heritage buildings;

THEREFORE BE IT RESOLVED THAT the Union of Nova Scotia Municipalities calls upon the Province to extend the current demolition delay from one year to two years, or alternatively give municipalities the right to refuse demolition or approve it with conditions.

**c) Housing for Seniors**

In 2007, Halifax Regional Council requested that the Province consider changing its human rights legislation to allow housing developments that are limited to seniors. Currently this type of limitation is not permitted because it is considered discrimination on the basis of age under the *Human Rights Act*. However, British Columbia, Saskatchewan and Newfoundland have all exempted seniors housing from their human rights legislation.

Senior citizens comprise one of the fastest-growing segments of the population in Nova Scotia. Demand for housing that meets the specific needs of seniors will grow in the coming years. Designating some buildings “seniors-only” provides them with a support system and social network that is not readily available in standard buildings. There is benefit to create housing options that will keep seniors in the broader community, with easy access to transit, medical services, shops, and recreational opportunities, while meeting their accommodation needs.

Currently the Provincial government may create seniors-only housing in subsidized buildings. Seniors who do not receive subsidized housing should have the ability to access an equally supportive living environment. It is recommended that the following resolution be forwarded to the UNSM Annual Conference:

WHEREAS Nova Scotia has one of the largest populations of senior citizens in Canada;

AND WHEREAS the demand for housing that meets the needs of senior citizens will continue to rise;

AND WHEREAS creating living arrangements that provide social networks and support systems will improve the quality of life for senior citizens and allow them to retain an active part of the broader community;

AND WHEREAS the Provinces of British Columbia, Saskatchewan and Newfoundland have exempted seniors housing from provincial human rights legislation;

THEREFORE BE IT RESOLVED THAT the Union of Nova Scotia Municipalities call upon the Province of Nova Scotia to exempt housing designated for senior citizens from the Human Rights Act.

**d) MGA Boundary Review Process**

Member of the Halifax Regional Council and Cape Breton Regional Council have both passed motions indicating that it is time for Service Nova Scotia and Municipal Relations to reconsider the requirement (MGA Part XVI, Section 369) for Councils to the recommending body regarding both the number of districts within a Municipality and the actual location of the district boundaries.

Halifax Regional Council, on December 7, 2010, passed the following motion:

“That Halifax Regional Council request that the Province of Nova Scotia amend the MGA to remove Council as the body required to conduct the study of the number and boundaries of polling districts in the municipality and to direct the NSUARB shall be the body that both conducts the study and sets the number and boundaries of polling districts and number of Councillors...”

Cape Breton Regional Council passed a similar motion in January 2011:

“The current legislative requirements place elected officials at the time of the reviews in an extremely difficult position of being the body that is recommending. This “allowed conflict” does not serve to enhance the both public credibility and confidence in Municipal Elected bodies. In keeping with the Provincial approach to setting electoral boundaries the Services Nova Scotia and Municipal Relations should work with UNSM to implement the appropriate amendments to the MGA to provide direction for a 3rd party independent review body to conduct regular boundary reviews as required.”

It is recommended that the following resolution be forwarded to the UNSM Annual Conference:

WHEREAS the Municipal Government Act currently requires municipal Councils to be the recommending body for the number of districts and location of district boundaries;

AND WHEREAS this requirement places municipal Councils in a conflict of interest situation which is not conducive to impartial recommendations or public confidence in such recommendations;

AND WHEREAS both Halifax Regional Council and Cape Breton Regional Municipality have passed motions requesting that the Province amend the MGA to institute an independent third party to undertake boundary review processes and recommendations;

AND WHEREAS the Province this year tasked the UARB with undertaking an independent boundary review of both HRM and CBRM, simultaneously with the municipal reviews;

THEREFORE BE IT RESOLVED THAT the Union of Nova Scotia Municipalities request that the Province amend the Municipal Government Act Part XVI, Section 369 to remove municipal Councils as the body required to conduct their own boundary reviews and instead appoint an independent party.

**e) Municipal Elections Act – Electronic Voting**

By motion of Regional Council on November 23, 2010, Halifax Regional Council recommended an amendment to the *Municipal Elections Act*, Section 146A (6), to allow for more choices regarding the conduct of advanced polls: either by a combination of in-person and electronic polls; or by electronic voting only. The propose of the amendments would enable Councils, by by-law, to make the determination on an election-by-election basis as financial and as voter considerations evolve and could result in substantial cost-saving and cost-avoidance for future elections.

It is recommended that the following resolution be forwarded to the UNSM Annual Conference:

WHEREAS Municipalities are responsible for running and financing their own election processes;

AND WHEREAS Municipalities are most knowledgeable about the issues facing municipal elections and the preferences and habits of the local electorate;

AND WHEREAS electronic voting is becoming a more popular option as well as providing cost efficiencies and the opportunity to increase voter participation;

THEREFORE BE IT RESOLVED THAT the Union of Nova Scotia Municipalities

request that the Municipal; Elections Act be amended to allow for more flexibility in electronic voting, thus enabling Councils to pass by-laws determining the use of electronic voting on a case-by-case basis.

**f) Code of Conduct for Municipal Officials**

UNSM has drafted proposed amendments to the Municipal Government Act regarding Code of Conduct for Municipal Elected Officials. HRM appreciates the work UNSM has undertaken on this issue to date, most notably developing the Code of Conduct itself and working towards its adoption by the majority of municipalities in Nova Scotia.

In May 2009, HRM adopted its own Code of Conduct for Elected Municipal Officials, using the UNSM Code as a basis and making slight modifications to reflect some of HRM's unique circumstances. In the same motion, Council endorsed UNSM's resolution supporting changes to the MGA to allow for sanctions for violation of the Code of Conduct. Halifax Regional Council remains committed to support the required changes to the MGA to allow for sanctions.

It is recommended that the following resolution be forwarded to the UNSM Annual Conference:

WHEREAS UNSM has drafted proposed amendments to the MGA regarding a Code of Conduct for Municipal Elected Officials;

AND WHEREAS the Code of Conduct has been adopted by the majority of Nova Scotian municipalities;

AND WHEREAS HRM remains committed to support UNSM to advance the required changes to the MGA and Halifax Charter;

THEREFORE BE IT RESOLVED THAT UNSM and the Province of Nova Scotia should move forward with the required changes at the earliest possible date.

**BUDGET IMPLICATIONS**

None.

**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**

None at this time.

**ALTERNATIVES**

Council could choose to forward only one or some of the above resolutions to the UNSM Fall Conference.

Council could choose to forward other issues as resolutions to UNSM.

Council could choose not to forward a resolution to the UNSM Fall Conference.

**ATTACHMENTS**

None.

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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: Anne Totten, Corporate Policy Analyst, 490-5623

Report Approved by: Original Signed  
Jennifer Church, Managing Director, External & Corporate Affairs, 490-3677

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