

TO: Members of Halifax Regional Council

Original signed

SUBMITTED BY: _____
Mayor Savage, Chair of Executive Standing Committee

DATE: May 1, 2014

SUBJECT: **Summary Report and Recommendations - Governance Review**
(Internal Committees)

ORIGIN

Executive Standing Committee Meeting - April 28, 2014

Motion of Halifax Regional Council of June 25, 2013:

That the Executive Standing Committee, supported by staff, is directed by Halifax Regional Council to undertake a review of Council's governance and committee structure and the terms of reference of Standing Committees to ensure the structure supports Council's priorities, to be completed by June 30, 2014 for submission to Regional Council.

During the Council discussion, it was agreed that the review should also include the number of external committees members of Regional Council are asked to serve on and whether those councillor appointments best serve the interests of HRM.

LEGISLATIVE AUTHORITY

Executive Standing Committee Terms of Reference, Section 3.6 General Council Governance; Section 3.6.1 – *The Committee shall act as a review committee for matters related to the general self-governance and administration of Council as directed by Regional Council.*

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct Committee of the Whole to consider such matters as Regional Council refers to it using the procedures in Administrative Order #1.

Recommendations continued on page 2...

2. Adopt and formalize a Committee of the Whole on Budgets with Terms of Reference that include a quorum of nine (9) members as per Administrative Order #1 and the Chair of the Audit and Finance Standing Committee as Chair, and direct staff to make the necessary changes to Administrative Order #1.
3. Reduce the size of Standing Committees by having one (1) member appointed by each of the three (3) Community Councils and three (3) members of Council appointed by Regional Council and direct staff to prepare a report with recommendations necessary to effect the reduction.
4. That appointments to Standing Committees would be for a two (2) year term and that each Standing Committee elect its chair to serve for a non-renewable term of two (2) years and that no councillor can chair more than one (1) Standing Committee at a time; and that Regional Council shall have regard to expression of interest from councillors who have not had an opportunity to serve on a Standing Committee.
5. Direct staff to prepare amendments to Administrative Order #1 covering the general aspects of the work of Standing Committees. The Terms of Reference of each Standing Committee would be incorporated into a Schedule to Administrative Order #1.
6. Adopt a modified procedure to govern the participation of non-member councillors at Standing Committees including:
 - (a) all Council members may attend all Standing Committee meetings, including in camera committee meetings, question staff and the public, and speak on a matter before the committee
 - (b) only committee members may make motions and vote on a matter before the committee, and that Administrative Order #1 be changed to implement this approach.
7. Reaffirm that all communications from Community Councils, Standing Committees and other committees created by Regional Council to other orders of government will come from the Mayor, as authorized by Regional Council.
8. Notwithstanding recommendation #4, that the Mayor shall be the Chair of the Executive Standing Committee.

BACKGROUND

The Executive Standing Committee reviewed the staff recommendation report dated April 23, 2014 respecting the governance review for internal committees at their April 28, 2014 meeting.

Additional information can be reviewed in the April 23, 2014 staff report.

DISCUSSION

Several reports in regard to the Governance Review directed by Regional Council have been before the Executive Standing Committee. At the meeting of April 28, 2014 a staff report dated April 23, 2014 in regard to Appointments to Internal Committees was before the Executive Committee for discussion and recommendation.

In regards to recommendation #6 related to the composition of the Executive Standing Committee be made up of the Mayor, the Deputy Mayor and the chairs of the other five Standing Committees; the Committee did not support this approach and, by motion, removed recommendation #6 from their consideration.

In regard to recommendation #2 of the April 23rd staff report respecting the adoption of a Committee of the Whole on Budgets with Terms of Reference that include a quorum of seven members and the Chair of Audit and Finance Standing Committee as Chair; the Executive Standing Committee supported the recommendation but did not support reducing the requirement for quorum and recommended Council keep with status quo for quorum of nine members.

In regards to recommendations #3 and #4 of the April 23rd staff report respecting the size of Standing Committees and the appointment of members and election of chairs, the Executive Standing Committee recommended further reducing the size of Standing Committees by having one member appointed by each of the three Community Councils and three (3) members of Council appointed by Regional Council.

The Committee further recommended that appointments to Standing Committees be for a two year term and that each Standing Committee elect its chair to serve for a non-renewable term of two years and that no Councillor Chair more than one Standing Committee at a time; and that Regional Council during the appointment process shall have regard to expression of interest from Councillors who have not had an opportunity to serve on a Standing Committee. Notwithstanding recommendation #4, the Committee recommends that the Mayor be the chair of the Executive Standing Committee.

The Committee supported recommendations 1, 5, 7 and 8 as outlined in the April 23rd staff report and put forward those recommendations to Regional Council.

It was noted that a further report in regard to the Governance Review will be before the Executive Committee in regard to appointments to External Committees for discussion and recommendation to Regional Council.

FINANCIAL IMPLICATIONS

There are no financial implications for this report. Financial implications will be outlined in a future staff report to Regional Council.

COMMUNITY ENGAGEMENT

The Executive Standing Committee meetings are open to the public. Additional information respecting engagement on this matter is outlined in the April 23, 2014 staff report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ALTERNATIVES

No alternative were provided by the Executive Standing Committee. Alternatives are identified in the April 23, 2014 staff report.

ATTACHMENTS

1. Staff report dated April 23, 2014

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: Krista Vining, Legislative Assistant, Office of the Municipal Clerk

Executive Standing Committee
April 28, 2014

TO: Mayor Savage and Members of the Executive Standing Committee

Original Signed

SUBMITTED BY: _____
John Traves, Director, Legal Services

DATE: April 23, 2014

SUBJECT: Summary Report and Recommendations – Governance Review

ORIGIN

Motion of Halifax Regional Council of June 25, 2013:

That the Executive Standing Committee, supported by staff, is directed by Halifax Regional Council to undertake a review of Council's governance and committee structure and the terms of reference of Standing Committees to ensure the structure supports Council's priorities, to be completed by June 30, 2014 for submission to Regional Council.

During the Council discussion, it was agreed that the review should also include the number of external committees members of Regional Council are asked to serve on and whether those councillor appointments best serve the interests of HRM.

LEGISLATIVE AUTHORITY

The Halifax Regional Municipality Charter provides:

- s. 20(1) The Council may make policies
 - (b) regulating its own proceedings and preserving order at meetings of the Council;
 - (c) providing for committees and conferring powers and duties upon them, except the power to expend funds;
- s. 21(1) Council may establish standing, special and advisory committees.
- s. 21(2) Each committee may shall perform the duties conferred on it by this Act, and any other Act of the Legislature or the by-laws or policies of the Municipality.
- s. 24(1) The Council may, by policy, establish a community council for an area.
- s.25 Powers and duties of community council.

RECOMMENDATIONS

It is recommended that Executive Standing Committee recommend to Regional Council that

Recommendation #1: *Regional Council direct Committee of the Whole to consider such matters as Regional Council refers to it using the procedures in Administrative Order #1.*

Recommendation #2: *Regional Council adopt and formalize a Committee of the Whole on Budgets with Terms of Reference that include a quorum of 7 members and the Chair of the Audit and Finance Standing Committee as Chair, and direct staff to make the necessary changes to Administrative Order #1.*

Recommendation #3: *Regional Council reduce the size of Standing Committees by having one member appointed by each of the three Community Councils and up to 4 members-at-large appointed by Regional Council and direct staff prepare a report with recommendations necessary to effect the reduction.*

Recommendation #4: *Regional Council make appointments to Standing Committees for 2 years and that each Standing Committees elect its chair annually.*

Recommendation #5: *Regional Council direct staff to prepare amendments to Administrative Order #1 covering the general aspects of the work of Standing Committees. The Terms of Reference of each Standing Committee would be incorporated into a Schedule to AO#1.*

Recommendation #6: *Regional Council change the composition of the Executive Standing Committee so that it would include the Mayor, the Deputy Mayor and the chairs of the other five Standing Committees and direct staff to make the appropriate changes to AO #1.*

Recommendation #7: *Regional Council adopt a modified procedure to govern the participation of non-member councillors at Standing Committees including –*
(a) all Council members may attend all Standing Committee meetings, including in camera committee meetings, question staff and the public, and speak on a matter before the committee
(b) only committee members may make motions and vote on a matter before the committee, and that Administrative Order #1 be changed to implement this approach.

Recommendation #8: *Regional Council reaffirm that all communications from Community Councils, Standing Committees and other committees created by Regional Council to other orders of government will come from the Mayor, as authorized by Regional Council.*

BACKGROUND

INTRODUCTION

To date in this governance review, the Project Manager has

- interviewed councillors about HRM's governance: what works, what needs improvement and how external committees might be managed better.
- researched governance practices in HRM and other comparable Canadian municipalities
- prepared reports and presentations for the Executive Standing Committee to
 - provide feedback on the interviews with councillors,
<http://www.halifax.ca/boardscom/SCadmin/documents/InfoReportUpdateGovernanceProject.pdf>
 - make suggestions about approaches to external committees
<http://www.halifax.ca/boardscom/SCadmin/documents/CouncillorAptstoExternalCommittees.pdf>
 - make suggestions about the use of Committee of the Whole
<http://www.halifax.ca/boardscom/SCadmin/documents/ConsiderationofCOW.pdf>
 - make suggestions about the use of internal committees.
<http://www.halifax.ca/boardscom/SCadmin/documents/GovernancePresentationMarch242014.pdf>
<http://www.halifax.ca/boardscom/SCadmin/documents/GovernancePresentationMarch242014.pdf>
- received and incorporated feedback from the Executive Standing Committee and from staff in the Office of the CAO and Legal Services.

Legal Services presented a private and confidential information report on Councillor Appointments to External Committees to the January 27, 2014 Executive Standing Committee.

This report focuses on internal committees those that Council itself establishes. A separate report on the external committees to which Council makes appointments will be presented later. This report makes change recommendations for Executive Standing Committee to consider.

COMMITTEES

Regional Councillors sit on many boards and committees as appointees or representatives of Regional Council. Some of the boards and committees are "Internal" and others are "External".

Internal committees, like Community Councils and Standing Committees and groups which report to them, are established by Regional Council itself.

External boards or committees are generally established by other organizations. HRM is often asked to appoint members to those boards or committees.

The two general categories help determine what Regional Council could do about appointment to them.

INTERNAL COMMITTEES

Halifax Regional Council derives its authority from provincial legislation, primarily the Halifax Regional Municipality Charter (Charter). Administrative Order #1 spells out how Council does its work.

Through the Charter, AO#1, AO#48 and other policy decisions, Council has established committees through which it does much of its work.

- Committee of the Whole serves as a less formal discussion forum than Council itself.
- Community Councils focus on local issues.
- Standing Committees tackle issues in their particular areas of responsibility.

Many committees use subcommittees, special committees and advisory committees to dig more deeply into issues.

What these committees can do is defined in legislation, administrative orders or by policy and practice. Since the creation of HRM, how council works has evolved to meet changing needs.

Attachment A provides background on the structures now in place in HRM: Regional Council, Committee of the Whole, Community Councils and Standing Committees.

Council has periodically reviewed its structures and instituted changes to make those structures more effective and efficient. The June 2013 Council motion which triggered this governance review exercise is a step in the continuing work to improve how Council functions.

In discussions with the Governance Project Manager, Councillors expressed general satisfaction with the current make up and powers of Community Councils although some issues arose. After discussion at Executive Standing Committee in March, no changes are proposed for AO#48 at this time.

EXTERNAL COMMITTEES

There are both “regional” and “local” external committees. The latter tend to have a specific geographic focus that centres on a single council electoral district.

Regional external committees fall into five broad categories for Councillor appointments;

- Mandated under provincial legislation
- Directed by motion of Regional Council or by agreement
- Appointed to provide financial oversight or liaison
- Invited under the bylaws of the external organization
- Established to deal with intergovernmental issues.

This report deals with Internal Committees. A separate report will be prepared to cover issues arising from External Committees.

DISCUSSION

INTERNAL COMMITTEES

Committee of the Whole

Recommendation #1: Regional Council direct Committee of the Whole to consider such matters as Regional Council refers to it using the procedures in Administrative Order #1.

Committee of the Whole is a less formal meeting than Regional Council itself. Committee of the Whole lends itself to more discussion. In recent months, after a period of limited use, Council has moved to Committee of the Whole to discuss several important issues. Current practice for setting agendas has moved away from the procedures for Committee of the Whole set out in AO #1. It is recommended that Regional Council follow AO #1 more closely to confirm the relationship between Regional Council and Committee of the Whole. While discussion can take place at Committee of the Whole, decision-making always remains with Regional Council.

Committee of the Whole on Budgets

Recommendation #2: Regional Council adopt and formalize a Committee of the Whole on Budgets with Terms of Reference that include a quorum of 7 members and the Chair of the Audit and Finance Standing Committee as Chair, and direct staff to make the necessary changes to Administrative Order #1.

Over the past several years, HRM has taken different approaches to the preparation of the annual budget. Using the Audit & Finance Standing Committee posed some problems for the 2013-14 Budget. To attempt to deal with them, for the 2014-15 budget Committee of the Whole led the process with the final decision-making remaining with Regional Council. The experience this year suggests two changes be made: a smaller quorum and making the Chair of the Audit and Finance Standing Committee chair of the budget committee. The proposed Committee of the Whole on Budgets includes those two modifications to the process used for 2014-15 budget.

Standing Committees

Council adopted the system of Standing Committees in 2010.

The Council motion which launched this governance review asks Executive Standing Committee “to undertake a review of Council’s governance and committee structure and the terms of reference of Standing Committees to ensure the structure supports Council’s priorities.” The motion specifically asks for a review of the Terms of Reference for Standing Committees. This process has begun.

In discussions with councillors there were few references to changes to the number of standing committees, their titles, or the subjects covered, with the exception of suggestions about changes to the Executive Standing Committee.

There were also no suggestions that the current topics standing committees have responsibility for be more closely aligned with Council priorities. Other issues arose in discussions.

Standing Committees – Size

Recommendation #3: Regional Council reduce the size of Standing Committees by having one member appointed by each of the three Community Councils and up to 4 members-at-large appointed by Regional Council and direct staff to prepare a report with recommendations necessary to effect the reduction.

Several councillors noted that the original size of the current Standing Committees reflects the larger size of Regional Council at the time it adopted the system of Standing Committees, 23 members as opposed to the current 16. It was noted that Standing Committees, if smaller, could still do their work. It was further noted that it would be necessary to amend Bylaw A-100 governing the size of the Appeals Committee.

Standing Committees – Appointment of Members and Election of Chairs

Recommendation #4: Regional Council make appointments to Standing Committees for 2 years and that each Standing Committees elect its chair annually.

In the interviews with councillors and in discussions at Executive Standing Committee, questions were raised about the length of councillor appointments to Standing Committees and the term of the appointment of the Chair of each standing committee. Some councillors seek to build up a depth of knowledge about a particular subject. Others seek to gain a broad understanding of the varied work of Halifax. The initial appointments to Standing Committees are made by Community Councils so Standing Committees have a measure of geographic balance. Councillors have a further opportunity to express their preferences when the at-large appointments are made. The current approach offers opportunities for both “specialist” and “generalist” councillors to follow their interests. A good balance should be struck as required. Two year terms (renewable) on Standing Committees also offer an opportunity to refresh the committees if required. Continuing the annual election of the standing committee chairs gives members the opportunity to review the situation at the committee.

Standing Committees – Clarification of Roles

Recommendation #5: Regional Council direct staff to prepare amendments to Administrative Order #1 covering the general aspects of the work of Standing Committees. The Terms of Reference of each Standing Committee would be incorporated into a Schedule to AO#1.

The work of Regional Council is governed by the HRM Charter and AO#1. Community Councils' work is governed by AO#1 and AO #48. Standing Committees' work is also governed by AO#1 but several policies and practices have grown up since their establishment. It has been suggested that it would make the roles and work of Standing Committees clearer if that work was covered in an Administrative Order like the one that governs Community Councils. After discussions at the staff level, it is proposed that the work of Standing Committees be spelled out more fully in AO #1 and that the Terms of Reference for each Standing Committee be part of a Schedule attached to AO #1.

Standing Committees – Executive Standing Committee

Recommendation #6: Regional Council change the composition of the Executive Standing Committee so that it would include the Mayor, the Deputy Mayor and the chairs of the other five Standing Committees and direct staff to make the appropriate changes to AO#1.

During the interview process, some councillors questioned the current make up and role of the Executive Standing Committee. It is not clear whether it is an “executive” committee or an “administrative” committee. The Terms of Reference for the HRM Executive Standing Committee give it an overview role. The ToRs state it has “strategic oversight of progress on HRM’s Corporate Performance Objectives & Council’s priority areas.” (ToR 3.7). It has been suggested that Halifax should modify the membership of its Executive Standing Committee to give it the appropriate representation to effectively meet its terms of reference. The Working Group proposes that the composition of the committee be changed. Should one councillor chair more than one Standing Committee, Regional Council would appoint a member of Council to the Executive Standing Committee, having regard to representation from each Standing Committee on the Executive Standing Committee.

Standing Committees – Role of Councillors not Members of a Particular Standing Committee

Recommendation #7: Regional Council adopt a modified procedure to govern the participation of non-member councillors at Standing Committees including –
(a) all Council members may attend all Standing Committee meetings, including in camera committee meetings, question staff and the public, and speak on a matter before the committee
(b) only committee members may make motions and vote on a matter before the committee, and that Administrative Order #1 be changed to implement this approach.

From time to time, issues arise which have a particular impact on a district. To clarify how councillors might participate at Standing Committees of which they are not members, it is recommended that current procedure be modified. Section 79 of AO #1 states, “

Attendance at Committee Meetings by Members of Council

79. A meeting of a committee of the Council, including any In Camera portion of the meeting, may be attended by members of the Council who do not serve on the Committee, but such members shall not be allowed to vote and may, with the permission of the majority of the members of the committee, but not otherwise, be allowed to take

part in discussion or debate.

For Standing Committees, the changes would empower any councillor to attend any standing committee and do everything except move or second motions and vote.

Community Councils

Recommendation #8: Regional Council reaffirm that all communications from Community Councils, Standing Committees and other committees created by Regional Council to other orders of government will come from the Mayor, as authorized by Regional Council.

An issue has arisen about whether Chairs of Committees, including Community Councils can communicate directly with other orders of government. This recommendation reaffirms that all communications from HRM to other orders of government go through the Mayor's office as authorized by Regional Council.

FINANCIAL IMPLICATIONS

There are no financial implications to the recommendations proposed.

COMMUNITY ENGAGEMENT

There has been no community engagement to date on the issues presented here.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications arising from the issues presented in this report.

ALTERNATIVES

(1) Status Quo: The Executive Standing Committee could recommend that no changes be made to current practises,

(2) Partial implementation of recommendations: The Executive Standing Committee could choose to implement some of the recommendations only.

ATTACHMENTS

A - Background on Regional Council and Internal Committees

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Chris Bryant, Project Manager – Governance Project – 490-3729

Attachment A – Background on Regional Council and Internal Committees

REGIONAL COUNCIL

1. Halifax Regional Municipality Charter (HRM Charter)

Powers of Council

11 (1) The powers of the Municipality are exercised by the Council.

(2) In the general exercise of its powers, the Council shall take into account the principle of accessibility for its citizens with disabilities.

(3) Each Council member, while in office, may administer oaths and take and receive affidavits, declarations and affirmations within the Province for use within the Province.

Council may make policies

20 (1) The Council may make policies

(a) respecting the date, hour and place of the meetings of the Council and the notice to be given for them;

(b) regulating its own proceedings and preserving order at meetings of the Council;

(c) providing for committees and conferring powers and duties upon them, except the power to expend funds;

(d) providing for and fixing

(i) the annual remuneration to be paid to the Mayor,

(ii) the annual remuneration to be paid to the Deputy Mayor,

(iii) the annual remuneration to be paid to councillors,

(iv) that part of the salary or remuneration that is an allowance for expenses incidental to the discharge of the duties of such persons as elected officers of the municipality,

(v) the deduction to be made from the remuneration of such persons for missing more than three Council or committee meetings in a year, and

(vi) the rate per kilometre as a travelling allowance for such persons for actual distance travelled once each day to go to, and return from, every daily session of a meeting of the Council or of a committee.

(2) The Council may, by policy, require that where a Council member is nominated or appointed by the Council to a board, commission or other position or is otherwise appointed as a representative of the Municipality, any remuneration from that position, excluding reimbursement of expenses, to which that Council member is entitled shall be paid to the Municipality.

(3) Where

(a) an expense by a Council member is authorized by an expense policy adopted by the Council; or

(b) no expense policy has been adopted by the Council but the expense is supported by proof that it has actually been incurred, the expense may be reimbursed to the Council member.

2. Administrative Orders

Administrative Order #1 - **RESPECTING THE PROCEDURES OF THE COUNCIL** provides direction for Council operations.

3. Notes – Nothing to add

COMMITTEE OF THE WHOLE

1. HRM Charter

The HRM Charter does not specifically define or mention “Committee of the Whole.” Sections 16 and 20 of the Charter appear to allow such a body to exist. The Municipal Government Act is also silent on Committee of the Whole.

Council meetings

16

(2) In addition to regular meetings, the Council may hold such other meetings as may be necessary or expedient for the dispatch of business at such time and place as the Council determines, if each Council member is notified at least three days in advance and the Clerk gives at least two days public notice of the meeting

Council may make policies

20 (1) The Council may make policies (a) respecting the date, hour and place of the meetings of the Council and the notice to be given for them;

(b) regulating its own proceedings and preserving order at meetings of the Council;

(c) providing for committees and conferring powers and duties upon them, except the power to expend funds;

2. Administrative Order

Administrative Order #1 includes the follow sections on Committee of the Whole.

Procedure in Committee of the Whole

69. (1) When a report of a committee is presented to the Council, the chairman of the committee presenting the report may move that the Council go into Committee of the Whole to discuss the report.

(2) When all the items of the report have been dealt with, the chairman may move the adoption of the report with amendments, if any.

70. (1) Whenever it shall be moved and carried that the Council go into Committee of the Whole, the presiding officer shall be in the Chair unless otherwise ordered, and shall maintain order in the committee and shall report the proceedings of the Committee.

(2) The presiding officer shall be referred to as Chair.

(3) The Chair may appoint another member of the Committee to so act while the Chair is temporarily absent from the meeting.

(4) The rules of governing the procedure of the Council shall be observed in Committee, so far as they are applicable, except that:

- a) no vote shall be recorded;
- b) the number of times of speaking on any question shall not be limited and;
- c) no motion to call for the question shall be allowed.

(5) No member shall speak more than once except to make an explanation until every member who desires to speak shall have spoken.

Motion to Rise from Committee of the Whole

71. (1) On motion in Committee of the Whole to rise and report, the question shall be decided without debate.

(2) A motion in Committee of the Whole to rise without reporting shall always be in order and shall take precedence over any other motion.

(3) On an affirmative vote to rise without report, the subject of the reference to the committee shall be considered as disposed of in the negative.

Agenda in Committee of the Whole

72. (1) The Clerk shall have prepared and printed for the use of the members at any regular meeting of Committee of the Whole, an Agenda setting forth the business to be considered at such meeting.

(2) The business of the committee shall be considered in the order set forth on the Agenda, provided however, that the Chairman of the committee, with the approval of the committee, may vary the order of business to better deal with matters before the committee.

Public Submissions at Committee of the Whole

73. (1) The Committee may hear and consider a submission or representation from any person who wishes to be heard, upon each item in the agenda as the item is reached by the Committee and each submission shall be limited to 5 minutes.

(2) If more than one person appears representing a group or association in relation to a particular item, the Committee may require that the persons designate a spokesperson who shall speak on behalf of the group or association so appearing.

3. Notes

AO#1 sections do not provide specific direction as to the circumstances under which Committee of the Whole of Council is to be used.

COMMUNITY COUNCILS

1. From the HRM Charter

Community councils

24 (1) The Council may, by policy, establish a community council for an area.

(2) A policy establishing a community council must define the boundaries of the community and the community must include the whole, or part of, at least three polling districts.

(3) The number of electors in a community must be at least twice the average number of electors per polling district in the Municipality.

(4) The community council for each community consists of the councillors elected from the polling districts included, in whole or in part, in the community.

Powers and duties of community council

25 The powers and duties of a community council include

- (a) monitoring the provision of services to the community and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;
- (b) the establishment of one or more advisory committees;
- (c) recommending to the Council appropriate by-laws, regulations, controls and development standards for the community;
- (d) recommending to the Council appropriate user charges for the different parts of the community;
- (e) making recommendations to the Council respecting any matter intended to improve conditions in the community including, but not limited to, recommendations respecting
 - (i) inadequacies in existing services provided to the community and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised, and
 - (ii) the adoption of policies that would allow the people of the community to participate more effectively in the governance of the community; and
- (f) making recommendations to the Council on any matter referred to it by the Council.

Election of chair and rules

26 (1) A community council shall annually elect its chair from among its members.

(2) The chair shall be elected at the first meeting of the community council after the members are elected.

(3) Subject to any policy adopted by the Council, a community council may make rules governing its procedures, the appointment of committees and the number and frequency of its meetings.

(4) Any rules passed by a community council must be filed with the secretary of the community council and the Clerk.

Annual public meeting of community council

27 (1) A community council shall hold an annual public meeting in the community in each year to report to the public concerning its activities and to receive the views of the public respecting all matters within its mandate.

(2) Except as otherwise provided in this Section, all meetings of a community council must be open to the public.

(3) A community council may meet privately to discuss matters relating to

- (a) acquisition, sale, lease and security of municipal property;
- (b) personnel matters;
- (c) litigation or potential litigation;
- (d) legal advice eligible for solicitor-client privilege;
- (e) public security.

(4) No decision may be made at a private community council meeting except a decision concerning procedural matters or to give direction to staff of the Municipality.

(5) A record that is open to the public must be made, noting the fact that the community council met in private, the type of matter that was discussed, as set out in subsection (3), and the date, but no other information.

....

Area rates

29 (2) A community council may determine expenditures, to be financed by area rate, that should be made in, or for the benefit of, the community.

....

Community planning advisory committee and land-use by-law

30

(2) A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.

(3) A community council may amend the land-use by-law of the Municipality applicable to the community with respect to any property in the community if the amendment carries out the intent of any municipal planning strategy of the Municipality applicable to the property and, in doing so, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.

(4) A community council stands in the place and stead of the Council with respect to variances and site-plan approvals and Part VIII applies with all necessary changes.

2. From Administrative Orders

Administrative Order #1 mentions Community Councils but does not provide direction for them.

Administrative Order #48 (AO#48) "Respecting the Creation of Community Councils" defines community councils' geography and powers. Relevant sections of AO#48 include:

Community Councils

2. There is hereby established the following Community Councils:

- (a) the North West Community Council
- (b) the Harbour East-Marine Drive Community Council
- (c) the Halifax and West Community Council

Powers

3. (1) Subject to subsection (3) of this section, sections 29, 30 and 31 of the *Halifax Regional Municipality Charter* apply to each Community Council.

(2) Repealed

(3) A Community Council shall create no more than two planning advisory committees.

(4) If a Community Council creates a planning advisory committee, the terms of reference for the planning advisory committee shall be as set out in Schedule 3 of this Administrative Order.

(5) Nothing in this section prevents a Community Council from:

- (a) limiting or adding to the duties of a planning advisory committee from those duties prescribed by section 4 of Schedule 3 of this Administrative Order; or
- (b) specifying the number of community citizens that must be appointed to a planning advisory committee from a specified District or portion of a District.

Financial Consequences

4. A Community Council shall not pass any resolution or make any decision which could potentially result in financial consequences for the Municipality which are contrary to those which would result

from a previous decision of the Regional Council, unless and until the financial consequences are presented to the Regional Council and approved by it.

Policies and Procedures

5. Except as provided for in Schedule“2” of this Administrative Order, the Procedure of Council Administrative Order (Administrative Order One), shall apply *mutatis mutandis* to meetings of a Community Council.

SCHEDULE 2: RULES GOVERNING PROCEDURES FOR COMMUNITY COUNCILS

SCHEDULE 3: TERMS OF REFERENCE PLANNING ADVISORY COMMITTEE

3. Notes

HRM has three Community Councils, each consisting of five to six districts. Community Councils consider local matters, make recommendations to Regional Council, and provide opportunities for public input.

- North West Community Council includes councillors from Districts 1, 13, 14, 15, and 16.
- Harbour East - Marine Drive Community Council includes councillors from Districts 2, 3, 4, 5 and 6.
- Halifax and West Community Council includes councillors from Districts 7, 8, 9, 10, 11 and 12

STANDING COMMITTEES

1. HRM Charter

Council may make policies

20 (1) The Council may make policies

....

(c) providing for committees and conferring powers and duties upon them, except the power to expend funds;

2. Administrative Order

Procedure for Appointments to Committees

67. Appointments to a Committee shall proceed as follows:

- a) a member of the Standing Committee shall move the slate of members recommended by the Committee and the motion shall be seconded by another member of the Committee;
- b) the presiding officer shall then call for further nominations;
- c) an additional name may be placed in nomination by motion;
- d) where more than the number required for the committee stand for election, a vote shall be taken for the entire slate nominated for that committee;
- e) voting shall be by secret ballot;
- f) where two or more nominees have an equal number of votes for an appointment, a special vote shall be taken to decide which one or more of such nominees shall be appointed;

g) where no additional names are placed in nomination for any committees, Council shall vote on the nominations for the remaining committees and the usual rules of procedure respecting motions shall apply thereto.

Council Meeting as Standing Committee

80. (1) Council may decide that at any time all the members of Council with the Mayor as Chair, may meet as a standing committee of the Council.
- (2) The rules for the conduct of business in standing committees shall apply *mutatis mutandis* to the conduct of business when all the members of Council meet as a standing committee of Council.

3. Notes

Standing Committees

Following a Report to Council's Committee of the Whole on November 5, 2009 and a Supplementary report to Committee of the Whole on October 12, 2010, Committee of the Whole adopted the following motion:

MOVED by Councillor Streach, seconded by Deputy Mayor Johns, that Halifax Regional Council:

1. Adopt the six (6) Standing Committees of Council outlined in Appendix A of the supplementary report dated October 9, 2010
2. Adopt, in principle, the consolidation of the mandates and terms of reference of current Committees of Council as outlined in Appendix A of the supplementary report dated October 9, 2010
3. Direct implementation, as outlined in the supplementary report of October 9, 2010, to commence including the Community Council and "at large" appointment of Councillors to the Standing Committees and recruitment of community volunteers to Boards and Committees as required. **MOTION PUT AND PASSED.**

After the municipal election of 2012, the six standing committees were continued and councillors appointed to them.

Current Standing Committees of Council (Members)

Appeals – Councillors Adams, Craig (Vice Chair) Hendsbee, Johns, Karsten, McCluskey, Mosher, and Whitman (Chair)

Audit & Finance - Councillors Adams, Dalrymple, Karsten (Chair) McCluskey, Mosher, Nicoll, Outhit, Walker

Community Planning & Economic Development – Councillors Mason (Vice Chair), McCluskey, Nicoll (Chair), Outhit, Watts and Deputy Mayor Fisher.

Environment & Sustainability - Councillors Craig, Dalrymple (Chair), Karsten, Nicoll, Rankin, Watts, and Deputy Mayor Fisher

Executive - Mayor Savage (Chair), and Councillors Craig, Johns, Karsten, Mosher, Rankin, Walker, Whitman

Transportation – Councillors Dalrymple, Hendsbee, Mason, Outhit, Rankin, Walker, Watts, and Deputy Mayor Fisher