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Item No. 12.1.3
Executive Standing Committee
October 23, 2017

TO: Chair and Members of Executive Standing Committee

SUBMITTED BY: **ORIGINAL SIGNED**

John Traves, Q.C., Director, Legal, Municipal Clerk & External Affairs

DATE: October 10, 2017

SUBJECT: Amendments to Administrative Order One - Public Presentations

ORIGIN

Motion from April 25, 2017 Regional Council meeting, as follows:

THAT Halifax Regional Council request a staff report regarding potential changes to Administrative Order One, section 45 (1) (f) regarding the automatic referral of presentations before Council to staff for review, comments and recommendations.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, clauses 20 (1)(a)(b) as follows:

- 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 fund;

Administrative Order One, *the Procedures of the Council Administrative Order*, sections 19, 44 and 45 respecting Presentations.

Procedures of the Council Administrative Order, Schedule 6, Executive Standing Committee Terms of Reference, section 8:

General Governance of the Council

8. The Executive Standing Committee shall act as a review committee for matters related to the general self-governance and administration of the Council as directed by the Council.

RECOMMENDATION

That the Executive Standing Committee recommend that Halifax Regional Council adopt the amendments to Administrative Order One, *the Procedures of the Council Administrative Order*, with respect to sections 19 Agenda Review, section 44 Requests for Presentation and section 45 Presentations, as set out in Attachment 2 to this report.

BACKGROUND

On November 10, 2015, Regional Council adopted Administrative Order One, *the Procedures of the Council Administrative Order*, ("AO1") with respect to the procedures of Council. With the introduction of additional rules, Standing Committees and Community Councils have expressed concern with how these rules are administered, in particular, those rules that intersect with members of the public respecting presentations.

A common theme amongst all bodies that receive presentations is to provide greater clarity to clause 45 (1)(f) which states that:

- 45 (1) Presentations which are placed on the agenda may be scheduled on an "as requested" basis, subject to the following criteria:
- (f) Members may ask questions of clarification of the presenters, but there shall be no debate of the subject matter of the presentation **and the presentation shall be automatically referred to staff for review, comments and recommendations** unless the presentation is in respect of an item of business before the Council. [Emphasis added]

The bolded portion of the above clause requires clarity as most presentations are intended for informational purposes only.

Currently, the Community Planning and Economic Development Standing Committee ("CPED"), has developed a procedure around presentations to work within the spirit of clause 45(1)(f) to ensure that there is an opportunity for requests are refined, in advance of forwarding them to staff for review and a report. CPED allows for the presenters to provide a letter to CPED after the presentation has been completed and questions of clarification have concluded. At a subsequent meeting, a motion is made by a committee member to request a staff report regarding the ask in the updated letter. This approach has been identified by the Council request form as a possible approach to amending to AO1, to provide greater clarity to actions resulting out of the presentation process.

DISCUSSION

In response to Council's request regarding presentations, staff are recommending that both sections 44 and 45 be included in the review on presentations. Section 44 describes how a member of the public or an organization can make a request for a presentation, and how the request is dealt with. Section 45 provides the parameters on which presenters must follow when before Regional Council, a Community Council or a committee of Council (collective "Council body"), and what actions may occur after a presentation has been delivered. There is a corresponding amendment to section 19 dealing with Agenda Review. The proposed amendments are attached as Attachment 2 to this report.

Sections 44 and 19 - Request for Presentation and Agenda Review

Staff is recommending four amendments to section 44:

Additional Information Required

Subsection 44(1) would be amended to require additional information included in the Request for Presentation. In addition to stating the essence of the presentations, requesters would be required to indicate desired outcome, and the desired Council body to receive the presentation. Adopting this amendment will ensure that the person or organization making the request understands what is expected and what information must be provided respecting the request.

Removing Request Deadline

Staff are recommending that the request deadline of, Thursday at Noon be deleted. These deadlines are currently not enforced, in addition requests are managed effectively by key staff, and the Chair. Requests are accommodated when possible. If a request to present is received late it is customarily brought forward to the next Agenda Review for consideration, and the requester is advised.

Centralization of Presentation Requests

Subsection 44(1A) should be added and subsection 2 amended which will require that all requests to present be forwarded to the Office of the Municipal Clerk ("Clerk's Office") and that the Clerk forward them to Agenda review for the applicable body. This will allow the Clerk's Office to create a centralized repository for all presentation requests to every Council body. This change will ensure that all requests are logged.

Request Process Outlined

In addition, staff is recommending amending subsection 44(2) by including a reference that presentation requests will be processed by the committee in accordance with Section 19 of AO1. Section 19 deals with Agenda Review and outlines in detail how the Council determines the appropriate disposition of a presentation request. Referencing Section 19, will ensure that Council and all its committees have similar processes when determining presentation requests and building their respective meeting agendas. In accordance with Section 19, the Chair and the CAO, or his or her designate, will decide on a presentation request.

Section 45 Presentations

Section 45 of AO1 provides an overview on how presentations are to be placed on the Agenda, and how they are dealt with by a Council body. In reviewing the request, staff are recommending to remove the automatic referral of all presentations for a staff report. A significant number of presentations are provided for information purposes only. It would not be an effective use of staff time to write reports on presentations that solely convey information. Additionally, since the creation of the current version of AO1 (November 2015) the automatic referral mechanism has not been a consistent practice, unless a Member provides direction. Accordingly, staff are recommending removing the reference to the automatic referral in clause 45(1)(f).

Staff also recommend repealing subsection 45(2) which allows, when multiple requests for a single topic are made, that a Committee of the Whole meeting may be scheduled. This is a carry forward from the former AO1, but has not been put to practice for some time. It has been accommodated by the flexibility of the Public Participation portion of the Standing Committees and Community Councils.

In reviewing section 45, staff are also recommending that clause 45(1)(d) be refined to ensure that there is greater clarity in how much time a presentation is allotted. It is recommended that all presentations, regardless of the number of speakers, be allotted up to 10 minutes to provide equity amongst presentation requests. There are no time allotment changes proposed for public hearing submissions or public participation at this time. Staff are also proposing additional language be added to 45(1)(e) that reinforces that presentation requests must be within the mandate of the Council body hearing the presentation. Municipal Clerk's staff will direct potential presenters to review committee mandates to ensure that their request is linked to the mandate of the body which is being requested to present to.

Currently, once approved, the presentation request is forwarded to Members of the Council body. The presentation becomes a public document but does not form part of the agenda and the slides are not posted online. The addition of clauses 45(1)(g)(h) is recommended to ensure that the request forms part of the agenda, and that the slides be posted online. Including such provision will ensure greater transparency, by allowing the public to know what the committee knows when a presentation is being delivered.

Actions Arising out of a Presentation

In addition to providing guidance on how presentations are listed, section 45 also describes possible actions that can be taken by a Council body after a presentation has been made. At present, clause 45(1)(f) requires that all presentations are to be referred to staff for a report. However, in practice, this has been applied inconsistently. Staff are suggesting providing additional language to provide the Council body with the ability to effectively deal with a presentation.

After a Council body hears a presentation, the proposed amendments afford three possible actions:

Clear Request Is Made: A Member may move a motion to request a staff report from the floor, but debate will be restricted on the subject matter of the presentation except as it relates to the request for the staff report. The debate on the subject matter would occur when the staff report is provided to the Council body. This is a change from the current practice as a motion for the staff report will now be required to be passed rather than a staff report being automatically generated.

Refined Request Is Required: A member may move a motion to defer the matter (consideration of the staff report) with instruction to refine the original request for the desired outcome based on the questions of clarification. If the deferral is approved, the matter will be deferred. The Clerk will add the revised request on the Agenda for the next meeting after which the revised request is received. At that next meeting, a Member may move a motion in relation to the revised request. As is the case for deferred matters generally, if the revised request is not received within six months of when the presentation was heard, the matter will be deemed withdrawn.

Action Arising from Presentation Is Not Desired: If a motion requesting a staff report is not passed, there will be no action required in respect of the presentation, but the presentation will form part of the public record for the meeting.

The amendments to sections 44 and 45, provide more context to the public on how presentation requests are determined, the rules regarding presentations, what one could expect after a presentation has been provided, and greater transparency by requiring the publication of the request for presentation and its resulting slides. These amendments create a clear path for presentations so presenters and the public will know how presentation requests are dealt with, and what to expect after a presentation has been delivered before a Council body. These amendments also provide the ability for the Council body to request a staff report while, following the CPED model for refining requests, helping presenters make more informed requests of the Municipality.

FINANCIAL IMPLICATIONS

None identified.

RISK CONSIDERATION

There are no significant risks associated with this report.

COMMUNITY ENGAGEMENT

Should the proposed amendments be adopted, the Municipal Clerk will ensure that all applicable staff are notified of the change, that all public facing documents, including the municipal website are updated. In addition, Legislative Services will create a plain language guide on presentations to be distributed and posted, and develop templates for presentation requests and responses to ensure that all members of the public who make a request to present receive the same information on presenting in advance of the meeting date.

ENVIRONMENTAL IMPLICATIONS

No identified environmental impacts.

ALTERNATIVES

The Executive Committee may decide not to recommend the amendments be adopted. If this occurs, staff recommends that the Committee provide direction to staff on the changes to presentations it would support and that staff be further directed to prepare a supplementary report that drafts those amendments and return to the Committee for consideration of them.

ATTACHMENTS

1. Showing proposed changes to Administrative Order One, the Procedure of the Council Administrative Order
2. Amending Administrative Order One, the Procedure of the Council Administrative Order

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Kevin Arjoon, Municipal Clerk, 902.490.6456

**Attachment 1
(Showing Proposed Changes)**

**ADMINISTRATIVE ORDER ONE
THE PROCEDURE OF THE COUNCIL ADMINISTRATIVE ORDER**

19. (1) On receipt of a request for a presentation, during Agenda review the Mayor **or the Chair** and the CAO **or his or her designate** shall review the request and determine the appropriate disposition of the request.

(2) Repealed.

(3) If the subject of the request does not fall within the duties and responsibilities of a Standing Committee, the Mayor and the CAO jointly may:

(a) place the presentation on the Council agenda;

(b) refer the presentation to the Presiding Officer of an appropriate Community Council or committee of the Council;

(c) if the presentation is requesting financial assistance or a tax exemption, refer the delegation to the Grants Committee or Audit and Finance Standing Committee;

(d) if the subject matter of the presentation is a matter which can be addressed by staff, refer the presentation to the appropriate business unit;

(e) determine that the Council will receive only written submissions on the matter; or

(f) if the subject matter of the presentation is a matter which is outside the jurisdiction of the municipality, refuse the request.

(4) Unless otherwise determined by the Presiding Officer and the CAO, or CAO designate, jointly the presentation shall be placed on the Council or a Community Council agenda only if the presentation is in reference to an item of business before the Council or Community Council or any matter within the jurisdiction of the Council or Community Council.

(5) Subject to subsection 4, if the request is to present to a Community Council or a committee of Council and the request does not fall within the duties and responsibilities of the Community Council or the committee of Council, the Chair and the CAO, or his or designate, may refer the presentation to the appropriate Community Council or committee of the Council.

(6) Subject to subsection 4, if the request is to present to a Community Council or a committee of Council and the subject of the request falls within the duties and responsibilities of the Community Council or the committee of Council, the Chair and the CAO, or his or her designate, may

(a) place the presentation on the Agenda of the Community Council or committee of Council; or

(b) determine that the Community Council or committee of Council will only receive written submissions on the matter; or

(c) refuse the request.

Request for Presentation

44. (1) A request for a presentation shall be made to the Clerk shall be made in writing, either by letter, fax or e-mail, and state the essence of the presentation to be made, any potential outcomes, and the desired body of Council to hear the presentation such as a particular Standing Committee. A request shall not be made later than 12:00 o'clock noon on Thursday immediately preceding each regular meeting of the Council.

(1A) A request for a presentation to present to the Council, a Community Council or any committee of Council, shall be made through the Office of the Clerk.

(2) The Clerk shall forward the request to the Mayor and CAO for consideration at Agenda review in accordance with section 19.

Presentations

45. (1) Presentations which are placed on the agenda may be scheduled on an "as requested" basis, subject to the following criteria:

(a) a maximum of two presentations shall be scheduled per meeting;

(b) each presentation shall deal with one topic only;

(c) each presentation shall consist of a maximum of two presenters;

(d) each presenter shall speak for presentation shall be allotted a maximum of ten (10) minutes five (5) Minutes;

(e) the topic of the presentation shall be relevant to the mandate of the body hearing the presentation and be timely; and

(f) ~~Members may ask questions of clarification of the presenters, but there shall be no debate of the subject matter of the presentation and the presentation shall be automatically referred to staff for review, comments and recommendations unless the presentation is in respect of an item of business before the Council.~~ Repeal;

(g) the request for the presentation shall form part of the Agenda; and

(h) after the meeting, any slides used during the presentation shall be posted to Halifax.ca.

(2) ~~When multiple requests are received for a single topic, the presentations may be scheduled for a Committee of the Whole.~~ Repeal

(3) The list of presentations for the Council, Community Council or committee of Council meeting will be finalized notified by noon of the Monday immediately preceding the Council meeting included on the finalized Agenda posted to Halifax.ca.

(4) The Clerk shall include in the information agenda for the each regular meeting of the Council a report listing the presentations considered by Agenda Review and the disposition of the request.

(4A) After the presentation has been made, Members may ask questions of clarification of the presenters, but there shall be no debate of the subject matter of the presentation.

(4B) After questions of clarification, a Member may move a motion requesting a staff report on a matter arising from the presentation but there shall be no debate on the subject matter of the presentation except as it relates to the request for a staff report and any amendments to that request.

(4C) A Member may move a motion to defer consideration of the motion for a staff report until the presenter provides additional information on a matter arising from the presentation.

(4D) If a motion to defer is passed, the matter shall be deferred until the requested information is received by the Office of the Clerk.

(4E) If the requested information is not received within six (6) months of the date the motion to defer was passed, the matter shall be deemed withdrawn.

(4F) If a motion is not passed in respect of the presentation or the requested information is not received, no further action shall be taken arising from the subject of the presentation and the presentation shall form part of the public record for the meeting.

(5) A presenter, once heard or considered, shall not be entitled to be received or considered again on substantially the same matter for a period of three months from the date of its first hearing.

**Attachment 2
(Amending Administrative Order)**

**ADMINISTRATIVE ORDER ONE
THE PROCEDURE OF THE COUNCIL ADMINISTRATIVE ORDER**

BE IT RESOLVED by the Council of the Halifax Regional Municipality that Administrative Order One, *the Procedures of the Council Administrative Order*, is further amended as follows:

1. Subsection 1 of section 19 is amended by
 - (a) adding the words “or the Chair” after the word “Mayor” and before the word “and”; and
 - (b) adding the words “or his or her designate” after the abbreviation “CAO” and before the word “shall”.
2. Section 19 is amended by adding subsections 5 and 6 after subsection 4 and before section 20 as follows:
 - (5) Subject to subsection 4, if the request is to present to a Community Council or a committee of Council and the request does not fall within the duties and responsibilities of the Community Council or the committee of Council, the Chair and the CAO, or his or designate, may refer the presentation to the appropriate Community Council or committee of the Council.
 - (6) Subject to subsection 4, if the request is to present to a Community Council or a committee of Council and the subject of the request falls within the duties and responsibilities of the Community Council or the committee of Council, the Chair and the CAO, or his or her designate, may
 - (a) place the presentation on the Agenda of the Community Council or committee of Council; or
 - (b) determine that the Community Council or committee of Council will only receive written submissions on the matter; or
 - (c) refuse the request.
3. Section 44 is amended by:
 - (a) striking out the words “shall be made” after the word “Clerk” and before the word “in” in subsection 1;
 - (b) adding the words “shall be” after the word “presentation” and before the word “made” in subsection 1;
 - (c) adding the words and comma “, any potential outcomes, and the desired body of Council to hear the presentation such as a particular Standing Committee” after the word “made” and before the period, in subsection 1;
 - (d) striking out the sentence “A request shall not be made later than 12:00 o’clock noon on Thursday immediately preceding each regular meeting of the Council.” in subsection 1;

(e) adding subsection 1A after subsection 1 and before subsection 2 as follows:

(1A) A request for a presentation to present to the Council, a Community Council or any committee of Council, shall be made through the Office of the Clerk.

(f) striking out the words “to the Mayor and CAO for consideration at” after the word “to” and before the word “Agenda” in subsection 2; and

(g) adding the words “in accordance with section 19” after the word “review” and before the period.

4. Subsection 1 of section 45 is amended by:

(a) striking out the words “presenter shall speak for” after the word “each” and before the words “a maximum” in clause d;

(b) adding the word “presentation shall be allocated” after the word “each” and before the words “a maximum” in clause d;

(c) striking out the words, number and brackets “five (5) Minutes” after the words “maximum of” and before the end of the clause;

(d) adding the words “ten (10) minutes” after the words “maximum of” and before the end of the clause;

(e) adding the words “topic of the” after the word “the” and before the word “presentation” in clause e;

(f) adding the words “to the mandate of the body hearing the presentation” after the word “relevant” and before the words “and timely” in clause e;

(g) adding the word “be” after the word “and” and before the word “timely” in clause e;

(h) striking out the word “and” at the end of clause e;

(i) repealing clause f; and

(j) adding clauses g and h after clause f and before subsection 2 as follows:

(g) the request for the presentation shall form part of the Agenda; and

(h) after the meeting, any slides used during the presentation shall be posted to Halifax.ca.

5. Subsection 2 of section 45 is repealed.

6. Subsection 3 is amended by:

(a) adding a comma and the words “, Community Council or committee of Council” after the word “Council” and before the word “meeting”;

(b) striking out the words “finalized notified by noon of the Monday immediately preceding the Council meeting” after word “be” and before the period”; and

(c) adding the words “included on the finalized Agenda posted to Halifax.ca” after the word “be” and before the period.

7. Subsection 4 of section 45 is amended by striking out the word “the” after the word “for” and before the word “each”.

8. Subsections 4A, 4B,4C,4D, 4E and 4F are added after subsection 4 and before subsection 5 as follows:

(4A) After the presentation has been made, Members may ask questions of clarification of the presenters, but there shall be no debate of the subject matter of the presentation.

(4B) After questions of clarification, a Member may move a motion requesting a staff report on a matter arising from the presentation but there shall be no debate on the subject matter of the presentation except as it relates to the request for a staff report and any amendments to that request.

(4C) A Member may move a motion to defer consideration of the motion for a staff report until the presenter provides additional information on a matter arising from the presentation.

(4D) If a motion to defer is passed, the matter shall be deferred until the requested information is received by the Office of the Clerk.

(4E) If the requested information is not received within six (6) months of the date the motion to defer was passed, the matter shall be deemed withdrawn.

(4F) If a motion is not passed in respect of the presentation or the requested information is not received, no further action shall be taken arising from the subject of the presentation and the presentation shall form part of the public record for the meeting.

Done and passed in Council this day of A.D. 201 .

Mayor

Municipal Clerk