

HALIFAX

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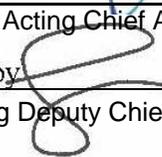
Item No. 14.1.11
Halifax Regional Council
June 21, 2016

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: May 27, 2016

SUBJECT: Standing Committee Role – Staff Report Production

ORIGIN

At the April 12, 2016 meeting of Regional Council, the following motion was passed under Item No. 17.1:

THAT Halifax Regional Council request a staff report evaluating how reports are dealt with at Standing Committees. The report shall consider staff report requests that originate from Regional Council and are assigned to a standing committee. The report shall include a policy recommendation regarding the process by which the originating body ultimately deals with the report following consideration by the standing committee.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, sections 20 and 21:

20 (1) The Council may make policies...(b) regulating its own proceedings and preserving order at meetings of the Council;

- 21 (1) The Council may establish standing, special and advisory committees;
- (2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the Municipality.
- (4) A committee shall operate in accordance with the procedures provided in this Act and the procedural policy for the Council applies to committees unless the Council, by policy, decides otherwise.

Administrative Order One, *the Procedures of the Council Administrative Order*, see Attachment 1

RECOMMENDATION

It is recommended that Halifax Regional Council direct the CAO to ensure all Regional Council staff report requests where the subject matter aligns with any approved Standing Committee terms of reference are delivered to Regional Council after any review by the Standing Committee.

BACKGROUND

At the Committee of the Whole meeting on November 17, 2009, Regional Council adopted (in principle) a Standing Committee governance model subject to final approval of the structure and implementation procedure.

During the regular meeting on October 12, 2010 Regional Council approved a Standing Committee structure that included terms of reference for six Standing Committees. That structure is formally documented in Administrative Order Number One (AO1).

The role of Standing Committees relative to the delivery of staff reports is outlined in the following sections of AO1:

117. A committee of the Council shall consider and report upon only such matters as have been referred to it as provided herein or such matters as come within or reasonably flow from its continuing terms of reference, an Administrative Order creating the committee, a By-law of the Municipality and such other jurisdiction as established from time to time by the Council.

118. The general duties of any committee of the Council shall be:

- (a) to report to the Council, or the appropriate delegated body, from time to time whenever desired by the Council and as often as the interests of the Municipality may require on all matters connected with the duties imposed on it, and to recommend such action by the Council, in relation thereto, as may be deemed necessary;
- (b) to consider and report on any and all matters referred to it by the Council; ...

In sporadic instances, reports requested by Regional Council have been received by Standing Committees but have not been subsequently referred to Regional Council for final consideration. Council requested that staff review the process and provide a recommendation that would ensure all staff reports requested by Regional Council are referred back to Regional Council at the conclusion of the report production process.

DISCUSSION

Process:

Administrative Order Number One outlines the structure and strategic rationalization for the Standing Committee governance model but it does not prescribe a detailed report production process. Operational implementation of the approved governance model would result in Regional Council report requests that fall within the terms of reference of a Standing Committee being referred to the Standing Committee prior to a final referral to Regional Council. Staff currently operates in this manner.

Regional Council report requests are generally referred to Standing Committees prior to delivery to Regional Council whenever the subject matter aligns with the Council-approved terms of reference for any Standing Committee. Reports that do not fall within any Standing Committee terms of reference are referred directly from staff to Regional Council.

The decision to include Standing Committees in the process for any specific report request is based on an evaluation by the CAO/DCAO at the time of Regional Council's initial report request. There is significant rigor around this business process based on the assumption that Regional Council wishes to have Standing Committee input in all cases where the subject matter aligns with Standing Committee mandates.

Authority:

Regional Council has assigned certain review and advisory responsibilities to Standing Committees based on their approved Terms of Reference. However, with the exception of some limited circumstances at the Audit and Finance and Appeals Standing Committees, Council has not delegated decision-making authority to Standing Committees. With very few exceptions, recommendations in staff

reports reviewed by Standing Committees require a subsequent decision by Regional Council.

Variations:

Council has noted some reports have not completed the production path as outlined above. A review of Regional Council report requests from 2014 to present indicates that 23 reports requested by Regional Council that were routed through a Standing Committees did not ultimately return to Regional Council; all 23 of these were Information Reports. All Recommendation Reports referred to Standing Committees were returned to Regional Council for decisions/action.

Conclusions:

While there have been instances where reports requested by Regional Council have been reviewed by Standing Committee and not subsequently referred to Regional Council for action, those instances appear to be relatively infrequent and relate to Information Reports containing no recommendations and requiring no decision of Regional Council.

Notwithstanding the limited impact of the reports referenced in the Variance category above, staff believes that all reports requested by Regional Council should return to Regional Council subsequent to the appropriate review process unless Council directs otherwise.

Subject to Council's direction, staff will adjust the report production business process to ensure that all reports requested by Regional Council are referred to Regional Council after consideration by the relevant Standing Committee.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

RISK CONSIDERATION

There is a reputational and legal risk for the organization that could develop if a matter requiring a Regional Council decision was dealt with by a Standing Committee outside the committee's scope of authority as set out in the Charter and documented in AO1. That risk is currently of moderate to high impact but low likelihood. Subject to the implementation of an amended business process as recommended in this report, the likelihood is further reduced.

COMMUNITY ENGAGEMENT

There are no community engagement implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications have been identified.

ALTERNATIVES

1) Council could choose to continue with the current process. This would imply the acceptance and continuance of the risk noted above which is of moderate to high impact but low likelihood.

This is not recommended because the risks associated with the current circumstances can be virtually eliminated with a relatively minor process adjustment.

2) Council could choose to direct staff to prepare amendments to Administrative Order Number One to require that Regional Council staff reports containing subject matter that falls within Standing Committee mandates are delivered directly to Regional Council with an option for Council to act on staff's recommendation or to refer the report to the appropriate Standing Committee for additional review prior to a final decision.

This is not recommended as it represents a potentially material delay in processing time and it adds bureaucracy to the report production process while not increasing efficiency.

ATTACHMENTS

Attachment 1 – Excerpts from Administrative Order Number One

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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**Attachment 1
Excerpts from Administrative Order One**

18 (3) During the Agenda Review, the Mayor and CAO jointly may: (c) refer any item to a Community Council, Committee of the Whole or a Standing Committee that is within their respective jurisdiction; or

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

(2) Deleted.

(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.

43. (1) The Standing Committees shall be the primary forum for public input at the Council.

(2) Subsection (1) shall not:

(a) apply to a public hearing or an appeal hearing,

(b) apply to public participation respecting planning and development matters; or

(c) restrict public participation at a Community Council.

112. The Council establishes the following Standing Committees of the Council:

(a) the Appeals Committee,

(b) the Audit and Finance Standing Committee,

(c) the Community and Economic Development Standing Committee,

(d) the Committee of the Whole on Budget,

(e) the Environment and Sustainability Standing Committee,

(f) the Executive Standing Committee, and

(g) the Transportation Standing Committee.

113. The terms of reference for the Standing Committees are as follows:

- (a) for the Appeals Committee, as set out in Schedule 1,
- (b) for the Audit and Finance Standing Committee, as set out in Schedule 2;
- (c) for the Community and Economic Development Standing Committee, as set out in Schedule 3;
- (d) for the Committee of the Whole on Budget, as set out in Schedule 4;
- (e) for the Environment and Sustainability Standing Committee, as set out in Schedule 5;
- (f) for the Executive Standing Committee, as set out in Schedule 6; and
- (g) for the Transportation Standing Committee, as set out in Schedule 7.

114. (1) The Clerk shall have prepared the agenda of the Standing Committee together with copies of all reports or communications to be dealt with at each regular meeting of the Standing Committee.

(2) The headings of the Agenda shall be the same as the Order of Business, except for the addition of public participation after notices of motion.

(3) The Agenda for a Standing Committee shall be provided to the members of the Standing Committee no later than 4:30 pm on the fifth (5th) day prior to the meeting at which the item is to be considered.

117. A committee of the Council shall consider and report upon only such matters as have been referred to it as provided herein or such matters as come within or reasonably flow from its continuing terms of reference, an Administrative Order creating the committee, a By-law of the Municipality and such other jurisdiction as established from time to time by the Council.

118. The general duties of any committee of the Council shall be:

(a) to report to the Council, or the appropriate delegated body, from time to time whenever desired by the Council and as often as the interests of the Municipality may require on all matters connected with the duties imposed on it, and to recommend such action by the Council, in relation thereto, as may be deemed necessary;

(b) to consider and report on any and all matters referred to it by the Council;

(c) in the transaction of all business, to adhere to the administrative orders and by-laws of the Council; and

(d) to make its reports available to the Council prior to the same being given to the public.

SCHEDULE 2

**AUDIT AND FINANCE STANDING COMMITTEE
TERMS OF REFERENCE**

Duties and Responsibilities

Audit

3. The Audit and Finance Standing Committee shall:

(a) review the qualifications, independence, quality of service and performance of the External Auditors annually and recommend to the Council the appointment or discharge of the External Auditors;

(b) carry out the responsibilities of the Audit Committee as outlined in subsection 48(2) of the *HRM Charter*, including:

(i) reviewing, in detail, the financial statements of the Municipality with the External Auditors,

(ii) evaluating internal control systems and management letters with the External Auditors,

(iii) reviewing the conduct and adequacy of any internal audit undertaken,

(iv) reviewing matters arising out of any internal audit that require further Investigation, and

(v) undertaking other actions determined by the Council to be the duties of the Audit Committee; and

(c) review with management and the External Auditor and recommend to the Council for approval, the annual audited financial statements.

Finance and Risk Management

4. The Audit and Finance Standing Committee shall:

(a) review with Finance management the monthly financial forecast and KPIs (key performance indicators) to be presented to the Council;

(b) review annually the debt and interest risk management activities proposed for the upcoming year by the CFO;

(c) review annually with Finance management and report to the Council on the appropriateness of financial accounting policies, disclosures and forecasts;

(d) ensure the adequacy and effectiveness of the systems of internal control in relation to financial controls and risk management as established by Administration;

(e) review bi-annually with management, the enterprise risk management and financial implications coming from such risk and implications, including: Environmental, Human Resources, Operational and the insurable risks and insurance coverage strategy of the Municipality; and

(f) review, as required, any other policies, procedures, forecasts, reports or process as agreed to mutually by the CAO and the Committee.

Auditor General

4A. The Chair and Vice Chair of the Committee shall review and approve the expenses of the

Auditor General respecting employment and professional development expenses, such as travel, conferences and training, and for the purposes of:

- (a) the *Employment Expense Reimbursement Policy*, the Chair and Vice Chair of the Audit and Finance Standing Committee stand in the place of the business unit;
- (b) the Employee Learning & Development Policy, the Chair and Vice Chair of the Audit and Finance Standing Committee stands in the place of the approval authority; and
- (c) the Request for Education Reimbursement Policy, **the** Chair and Vice Chair of the Audit and Finance Standing Committee stand in the place of the manager for approval and the HRM Corporate Training office for a review to determine if it meets the conditions under the policy.

Halifax Regional Library

5. The mandate of the Audit and Finance Standing Committee shall include auditing, finance and risk management of the Halifax Regional Library.

Liaison

6. Notwithstanding section 49 of the *HRM Charter* outlining the role, independence and reporting relationship of the Municipal Auditor General, the Audit and Finance Standing Committee shall act as a liaison and communication link between the Auditor General and the Council.

7. The Audit and Finance Standing Committee shall liaison with:

- (a) the Provincial Property Valuation Service through representation on the Union of Nova Scotia Municipalities (UNSM) oversight board;
- (b) the Investment Policy Advisory Committee through appointment of the Council representative to the Committee; and
- (c) the Grants Committee and Special Events Advisory Committee through nomination of the Council and Citizen representatives and appointment of the Chair of the Committees from a member of the Audit and Finance Standing Committee.

Other Duties and Responsibilities

8. The Audit and Finance Standing Committee shall review and make recommendations on proposals coming to the Council outside of the annual budget or tender process including:

- (a) new programs or services not yet approved or funded;
- (b) programs or services that are being substantially altered;
- (c) proposed changes in any operating or project budget items;
- (d) the commitment of funds where there is insufficient approved budget;
- (e) new or increased capital projects not within the approved budget;
- (f) increases in project budget due to cost sharing; and
- (g) the creation or modification of reserves and withdrawals not approved in the approved budget.

SCHEDULE 3

**COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT
STANDING COMMITTEE
TERMS OF REFERENCE**

Oversight - Planning

3. The Community Planning and Economic Development Standing Committee shall provide oversight of the Municipality's Regional Plan and Regional Planning Initiatives, as follows:

- (a) overseeing the Municipality's Regional Plan and Regional Planning Initiatives;
- (b) reviewing and recommending to the Council the scope of the five-year Regional Plan reviews including roles of sub committees;
- (c) co-ordinating with the other Standing Committees on major Regional Plan initiatives;
- (d) being involved in developing the Municipality's approach to public participation programs for various planning processes such as regional and municipal planning strategy amendments; and
- (e) overseeing the priority setting relative to the Community Visioning Program, Functional Plan Implementation and major planning projects.

Oversight – Economics and Immigration

4. The Community Planning and Economic Development Standing Committee shall oversee the Municipality's Economic Plan, Economic Prosperity Indicators and Immigration Action Plan by:

- (a) being involved in policy development and overseeing of policies appropriate to promote Community and Economic development throughout the municipality;
- (b) overseeing the progress of the Municipality's Economic Strategy and Outcome areas and related initiatives; and
- (c) overseeing the progress of the Municipality's Immigration Action Plan and related initiatives.

Oversight – Community Building Initiatives

5. The Community Planning and Economic Development Standing Committee shall oversee the Municipality's Community building initiatives in the areas of arts, culture and recreation and related facilities strategies by:

- (a) promoting and enabling an inclusive range of arts, culture and recreational opportunities in the municipality;
- (b) promoting and enabling access to arts, cultural and recreational facilities that support the Municipality's Community Outcome areas; and
- (c) overseeing the progress on the Municipality's Community building and enhancing strategies and any related initiatives.

Other Duties and Responsibilities

6. The Community Planning and Economic Development Standing Committee shall have an active interest in the Agencies and Initiatives that support Community and Economic development throughout the municipality by:

(a) promoting and encouraging the development of programs, policies in initiatives in the municipality that support Community and Economic development throughout the municipality;

(b) engaging, at a governance level, the agencies, boards and committees funded by the Municipality and under the mandate of the Standing Committee to ensure they meet community needs and expectations including:

(i) the Greater Halifax Partnership,

(ii) Destination Halifax,

(iii) Trade Centre Limited,

(iv) Community Boards and Arts Boards and the broader Arts Community,

(v) HRM Business Districts and organizations, and

(vi) others as identified by the Committee and approved by the Council or others as identified by the Council.

(c) recommending to the Council the Municipality's appointments and reviewing service agreements of the agencies, boards and commissions under the mandate of the Standing Committee; and

(d) performing such other related activities in the area Economic and Community Development in the Municipality's as identified by the Standing Committee and approved by the Council.

7. The Community Planning and Economic Development Standing Committee shall perform such other duties and responsibilities as may be determined by the Council.

SCHEDULE 5

**ENVIRONMENT AND SUSTAINABILITY
STANDING COMMITTEE
TERMS OF REFERENCE**

Solid Waste Resource Management

3. The Environment and Sustainability Standing Committee shall:

(a) advise the Council on matters respecting solid waste management, including the responsibility to receive reports and to keep the Council informed respecting all matters related to the solid waste management program in the municipality; and

(b) appoint a Member of the Standing Committee as the Municipality's representative on the Provincial Solid Waste Chairs Committee.

Energy Choice and Security

4. The Environment and Sustainability Standing Committee shall:

(a) promote and enable a variety of energy choices for residents of the municipality;

(b) promote and enable sustainable and renewable sources of energy in the Municipality;

(c) promote the achievement of the Municipality's greenhouse emission reduction commitments;

(d) promote diversification of municipal revenue streams through investments in utilities such as natural gas, wind energy and district energy;

(e) promote ways to maximize the Municipality's capital dollars through co-location of utilities and coordination of projects;

(f) be involved in policy development on undergrounding of services; and

(g) liaison with Heritage Gas and similar utilities at a governance level to encourage, promote and enable the provision of natural gas services to the residents and businesses of the municipality.

Parks and Open Spaces

5. The Environment and Sustainability Standing Committee shall:

(a) encourage the appropriate policy structure to address amount, use and protection of parks, forests (urban and rural) and open spaces for the use and enjoyment of the residents of the municipality, and

(b) perform other related activities in the area of parks and open spaces as identified by the Standing Committee and approved by the Council.

Water Resource Management

6. The Environment and Sustainability Committee shall:

(a) be involved in policy development and oversight of policies appropriate to promote and protect water resources in the Municipality;

(b) liaison with Halifax Water including the nomination to the Council of one (1) Member of the Standing Committee as one (1) of the Council appointments to the Board of Halifax Water and the nominee shall act as a liaison between the Standing Committee and Halifax Water; and

(c) perform other related activities in the area of Water Resource management as identified by the Standing Committee and approved by the Council.

Climate Change Mitigation and Adaptation

7. The Environment and Sustainability Standing Committee shall:

(a) progress policy related to municipal climate change adaptation and mitigation, including the policy requirements of the Infrastructure Secretariat's Gas Tax Funding program;

(b) promote community adoption of climate change mitigation and adaptation measures; and

(c) provide governance oversight of the Municipality's Climate Change Risk Management Strategy.

Other Duties and Responsibilities

8. The Environment and Sustainability Standing Committee shall perform such other matters as may be determined by the Council.

SCHEDULE 6

**EXECUTIVE STANDING COMMITTEE
TERMS OF REFERENCE**

Emergency Management

3. The Executive Standing Committee shall:

- (a) act as the Emergency Management Advisory Committee of the Council with responsibilities as outlined under By-law E-100, the *Emergency Management By-law*;
- (b) advise the Council on the development of Emergency Management plans and Present the Municipal Emergency Management Plans to the Council;
- (c) brief the Council on developments during a local state of emergency; and
- (d) perform any such other duties in regard to Emergency management as may be required and directed by the Council.

Membership Selection

4. The Executive Standing Committee shall act as the Membership Selection Committee of the Council with a mandate to function as the nomination committee for appointment to Boards and Committees, including at large nomination to Standing Committees, except as delegated to other Standing Committees by the Council.

CAO Liaison and Review

5. The Executive Standing Committee shall:

- (a) notwithstanding Part II of the *HRM Charter* (outlining the roles and responsibilities of the CAO and the reporting relationship to the Council), the Executive Committee shall act as a liaison and communication link between the CAO and the Council;
- (b) meet at least quarterly with the CAO to review and confirm the CAO goals and objectives and performance expectations;
- (c) provide feedback, support and a formal evaluation of the performance of the CAO at least annually to the CAO and the Council;
- (d) coordinate, on behalf of Council, the recruitment and provide a recommendation on the hiring of the CAO should the position become vacant;
- (e) provide a forum to assist the CAO in major initiatives regarding:
 - (i) organizational change
 - (ii) employee relations
 - (iii) new directions in service delivery
 - (iv) administrative policies; and
- (f) perform such other duties in regard to CAO liaison and review as may be required and directed by the Council.

Volunteer Award Recognition

6. The Executive Standing Committee shall oversee the administration of the Municipality's Volunteer Awards program to ensure the program and selection criteria meet the objectives of the Council and the Communities of the municipality.

Bylaw Rationalization

7. The Executive Standing Committee shall oversee and provide advice on Administrative

Order 32 the *By-law Development Administrative Order* and other policy matters related to the Bylaws, Ordinances, Administrative Orders and Policies of the Council.

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.

Priority Areas and Corporate Performance Objectives of the Council

9. The Executive Standing Committee shall:

(a) have strategic oversight of progress on the Municipality's Corporate Performance Objectives and priority areas of the Council; and

(b) perform other Administrative matters as may be determined and directed by the Council.

SCHEDULE 7

**TRANSPORTATION STANDING COMMITTEE
TERMS OF REFERENCE**

Duties and Responsibilities

4. The Transportation Standing Committee shall oversee and review of the Municipality's Regional Transportation Plans and initiatives, as follows:

- (a) overseeing HRM's Regional Transportation Objectives and Transportation outcome areas;
- (b) overseeing and reviewing the Regional Transportation policies, bylaws and functional plans;
- (c) providing input into the Municipality's transportation funding strategies such as infrastructure funding, Gateway initiatives and approaches to Capital Cost Contribution;
- (d) providing input and review of the Transportation Road network strategies and related Regional initiatives;
- (e) overseeing the Municipality's Regional Parking Strategy and other parking related initiatives flowing from the strategy; and
- (f) coordinating with the Community Planning and Economic Development Standing Committees of the Council in regard to reviews and initiatives under the Regional Plan in matters related to Regional Transportation.

Coordination of Priorities and Initiatives

5. The Transportation Standing Committee shall:

- (a) promote and enable public safety campaigns and outcomes that advocate safety;
- (b) provide policy direction related to neighbourhood transportation initiatives for traffic calming and mitigation;
- (c) provide input and review of By-law S-300, the *Streets By-law*, as it relates to approaches to routing, right-of-way management, accessibility and management of priorities for uses; and
- (d) oversee the Municipality's transportation demand management strategies.

Oversight and Input into Transit's Strategic Plan and Direction

6. The Transportation Standing Committee shall:

- (a) review and oversee policy direction and long term funding approach to promote and encourage Transit alternatives as outlined in the Regional Plan;
- (b) review and oversee specific strategic planning directions related to Transit Services coming from the Regional Plan such as the five year strategic plan, Accessibility Plan and the Ferry Plan; and
- (c) promote and enable positive communication between communities, ridership, and the Council and Transit services to enable and support the Regional Transit service to the communities of the municipality.

Oversight and Input into HRM's Active Transportation Initiatives

7. The Transportation Standing Committee shall:

- (a) promote and encourage the work of the Active Transportation Advisory Committee and other related bodies that service to promote active transportation throughout the municipality;
- (b) promote and encourage the Municipality's Active Transportation corridor initiatives which supports the overall Transportation Strategy as outlined in the Regional Plan; and
- (c) promote and encourage coordination of construction and initiatives that serve to support the development of Active Transportation initiatives throughout the municipality in the most cost effective manner possible.

Liaison with Agencies and Initiatives related to Transportation in HRM

8. The Transportation Standing Committee shall:

- (a) promote and encourage the development of integrated programs, policies and initiatives in the municipality that support the Municipality's transportation goals and outcomes;
- (b) take an active interest in the agencies, boards and commissions funded by the Municipality's in the areas of Transportation to ensure they continue to meet community needs and expectations; and
- (c) recommend to the Council, the Municipality's appointments and review service agreements of the agencies, boards and commissions under the mandate of the Standing Committee.

Other Duties and Responsibilities

9. The Transportation Standing Committee shall perform such other duties and responsibilities as may be determined by the Council.