

# HALIFAX

P.O. Box 1749  
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**Item No. 14.1.7**  
**Halifax Regional Council**  
**July 17, 2018**

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

Original Signed by 

**SUBMITTED BY:** Jacques Dubé, Chief Administrative Officer

**DATE:** June 20, 2018

**SUBJECT:** Amendments to Administrative Order 2017-012-GOV, the Special Advisory Committee on the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History - Terms of Reference

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## ORIGIN

April 25, 2017 motion of Halifax Regional Council:

That Halifax Regional Council, in the spirit of the Council-adopted Statement of Reconciliation of December 8, 2015, request a staff report with terms of reference and a recommended composition for an expert panel to review and advise Council regarding any changes to the commemoration of Edward Cornwallis on municipal assets, including Cornwallis Park and Cornwallis Street, and recommendations to recognize and commemorate the indigenous history in the lands now known as Halifax Regional Municipality.

October 3, 2017 motion that Halifax Regional Council adopt Administrative Order Number 2017-012-GOV, with friendly amendments to consistently refer to "Staff" as "Municipal Staff" throughout the document and to reflect gender-neutral/non-binary language, respecting the commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee, as set out in Attachment 1 of the staff report dated September 26, 2017, to establish a special advisory committee to Council.

January 30, 2018 motion of Halifax Regional Council that Council:

1. Direct the CAO to proceed to remove the statue of Edward Cornwallis immediately and to place the statue in temporary storage until Council makes a decision about the statue's long term situation;
2. Seek, through the Mayor's office, to re-engage the Assembly of Nova Scotia Mi'kmaq Chiefs in establishing a special advisory committee as set out in Administrative Order 2017-012-GOV; and
3. If the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC) chooses not to re-engage under the current committee process, direct the CAO to return to Council within six months with a staff report setting out a revised approach to examining the commemoration of Edward Cornwallis and the commemoration and recognition of Indigenous history in the lands now known as Halifax Regional Municipality, and with any necessary proposed amendments to Administrative Order 2017-012-GOV.

**Recommendation on next page**

## **LEGISLATIVE AUTHORITY**

### **Power to expend money**

- 79 (1) The Council may expend money required by the Municipality for  
...  
(ai) public grounds, squares, halls, museums, parks, tourist information centres and  
community centres;

### **Standing, special and advisory committees**

- 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.
- (3) The Council may appoint persons who are not members of the Council to a committee and may establish a procedure for doing so.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council adopt the amendments to Administrative Order Number 2017-012-GOV, Respecting the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee, as set out in Attachment A, to increase to ten (10) the number of members on the special advisory committee to Council, and to increase to five (5) the number of members appointed from a slate of nominations put forward by the Assembly of Nova Scotia Mi'kmaq Chiefs.

## **BACKGROUND**

On October 3, 2017 Halifax Regional Council adopted Administrative Order Number 2017-012-GOV, respecting the commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee. The Administrative Order set out a membership of 8 persons appointed by Council, with four being appointed from a slate of nominations put forward by the Assembly of Nova Scotia Mi'kmaq Chiefs (ANSMC).

## **DISCUSSION**

Administrative Order 2017-012-GOV established a special advisory committee of Council, describing the purpose, mandate and principles under which the panel shall operate. Staff proposed a framework that left considerable room for the panel to determine the most appropriate methods to serve its mandate and achieve its purposes.

As outlined in the staff report considered by Council on October 3, 2017, a variety of expertise and experience was proposed to be represented in the committee including, leadership and chairing experience, history and commemoration, military history, Mi'kmaq history and Indigenous and non-indigenous community experience.

To accommodate additional expertise and experience on the committee consistent with the proposed slate of members put forward by the ANSMC, it is recommended that Council amend the Administrative Order to increase the number of members from 8 to 10, with a corresponding amendment to increase the number of members appointed from a slate of nominations put forward by the ANSMC to 5 from 4.

Staff are preparing to support the committee by preparing an orientation package and session, and assembling a proposed framework and guidelines for committee processes and options for the committee to consider in terms of approaches to their work. Recommendations of the panel will return to Council

through staff so that staff may provide information on the practical implications of the panel's recommendations.

### **FINANCIAL IMPLICATIONS**

Financial implications related to the operation of the advisory committee are unchanged from the report considered by Council on October 3, 2017, however, the impact will now be in the 2018/19 fiscal year.

### **RISK CONSIDERATION**

There is a risk that some community members will question the validity of the panel, due to concerns with a selection process that differs from the standard Council public appointment process, or perceptions that panelists are seen not to represent a range of interests, to have too strong a bias or insufficient credibility in their communities.

Staff have attempted to mitigate this risk by talking to a range of individuals and organizations in the development of the terms of reference, by having an appropriate number of experts in relevant areas, setting out criteria for the selection of experts and by looking for characteristics of willingness to engage and community credibility in potential panelists.

### **COMMUNITY ENGAGEMENT**

Staff engaged with several persons and organizations in the development of the terms of reference appropriate make-up of the panel, assessment criteria for panelists and potential panelists, as described in the discussion section of the report considered by Council on October 3, 2017.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications to this report.

### **ALTERNATIVES**

Council may choose not to amend the proposed terms of reference, and appoint only eight members to the Committee.

### **ATTACHMENTS**

Attachment A – Amending Administrative Order Number 2017-012-GOV

Attachment B – Showing proposed amendments to Administrative Order Number 2017-012-GOV

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Maggie MacDonald, Managing Director, Government Relations and External Affairs, 902-490-1742

Financial Approval by: Original Signed  
Jerry Blackwood, Acting Director of Finance and Asset Management/CFO, 902.490.6470

Report Approved by: Original Signed by   
John Traves, Director, Legal, Municipal Clerk and External Affairs, 902.490.4226

**Attachment A  
(Amending Administrative Order)**

**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 2017-012-GOV  
RESPECTING THE COMMEMORATION OF EDWARD CORNWALLIS AND THE  
RECOGNITION AND COMMEMORATION OF INDIGENOUS HISTORY  
SPECIAL ADVISORY COMMITTEE**

**BE IT RESOLVED** as an Administrative Order of the Council of the Halifax Regional Municipality that Administrative Order 2017-012-GOV, the Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee Administrative Order is amended as follows:

1. Subsection 12(1) is amended by:

(a) striking out the word “eight” and the symbols and numeral “(8)” after the words “shall be” and before the word “members”; and

(b) inserting the word “ten” and the symbols and numeral “(10)” after the words “shall be” and before the word “members”.

2. Subsection 12(2) is amended by:

(a) striking out the word “Four” and the symbols and numeral “(4)” at the beginning of the subsection; and

(b) inserting the word “Five” and the symbols and numeral “(5)” at the beginning of the subsection.

Done and passed in Council this     th day of July A.D. 2018

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Mayor

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Municipal Clerk

**Attachment B  
Showing Proposed Changes**

**ADMINISTRATIVE ORDER NUMBER 2017-012-GOV  
RESPECTING THE COMMEMORATION OF EDWARD CORNWALLIS AND THE RECOGNITION AND  
COMMEMORATION OF INDIGENOUS HISTORY SPECIAL ADVISORY COMMITTEE**

**WHEREAS** Mi'kma'ki are the traditional ancestral lands of the Mi'kmaq;

**AND WHEREAS** the Council of the Halifax Regional Municipality adopted the Statement of Reconciliation on December 8, 2015 in which Council committed to learning from the lessons of the Truth and Reconciliation Commission and to a new equal partnership with Aboriginal people in Canada based on truth, dignity, and mutual respect;

**AND WHEREAS** on April 25, 2017, the Council of the Halifax Regional Municipality directed the establishment of an expert panel to review and advise the Council regarding changes to the commemoration of Edward Cornwallis on municipal assets, and recommendations to recognize and commemorate the indigenous history in the lands now known as Halifax Regional Municipality;

**AND WHEREAS** the Council of the Halifax Regional Municipality acknowledges the importance of working together with indigenous communities to appropriately commemorate and reflect the history of the Municipality;

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipal under the authority of the *Halifax Regional Municipality Charter*, S.N.S. 2008, c. 39, as amended, as follows:

**Short Title**

1. This Administrative Order may be cited as the *Commemoration of Edward Cornwallis and the Recognition and Commemoration of Indigenous History Special Advisory Committee Administrative Order*.

**Purpose**

2. The purpose of this Administrative Order is to establish a Special Committee which will advise the Council on:

(a) proposed changes to the commemoration of Edward Cornwallis on municipal assets, including Cornwallis Park and Cornwallis Street; and

(b) recognizing and commemorating the indigenous history in the lands now known as Halifax Regional Municipality.

**Interpretation**

3. In this Administrative Order,

(a) "Administrative Order One" means the *Procedures of the Council Administrative Order*, as adopted by Council on November 10, 2015 and all amendments thereto;

(b) "CAO" means the Chief Administrative Officer of the Municipality, or delegate;

(c) "Committee" means the Commemoration of Indigenous History Special Advisory Committee;

- (d) "Council" means the Council of the Municipality; and
- (e) "Municipality" means the Halifax Regional Municipality.

#### **Establishment of Committee**

4. The Committee is hereby established.

#### **Duties**

5. The duties of the Committee are to provide advice and make recommendations to the Council, through Municipal staff, on:

- (a) proposed changes to the commemoration of Edward Cornwallis on municipal assets, including Cornwallis Park and Cornwallis Street; and
- (b) recognizing and commemorating the indigenous history in the lands now known as Halifax Regional Municipality.

6. The Committee shall have three main areas of work:

- (a) research;
- (b) outreach and engagement; and
- (c) formulation of advice and recommendations.

#### **Research**

7. (1) The Committee shall consider such research and literature as it considers relevant on:

- (a) Edward Cornwallis;
- (b) indigenous-settler relations in the area now known as the Municipality;
- (c) Mi'kmaq and indigenous culture;
- (d) the local and regional military history;
- (e) municipal policies and procedures;
- (f) asset naming and commemoration;
- (g) reconciliation; and
- (h) any additional research it deems relevant.

(2) The Committee shall seek out additional experts as it determines necessary and engage with them as necessary, subject to the budget made available to the Committee.

#### **Outreach and Engagement**

8. (1) The Committee shall conduct public engagement and provide opportunities for organizations and members of the public to participate in discussion of issues within the mandate of the Committee.

(2) Public engagement shall be conducted in accordance with the principles articulated in this Administrative Order.

(3) The Committee shall provide such public engagement opportunities as it determines appropriate to permit and encourage as wide a range of persons as reasonably possible to participate in discussion and make submissions to the Committee.

(4) The Committee shall ensure public engagement is welcoming and shall take into consideration indigenous cultural practices when determining engagement strategies, processes, and locations.

#### **Formulation of Advice and Recommendations**

9. The Committee shall provide advice and recommendations to the Council, to be communicated through a staff report, in accordance with their duties.

#### **Phased Approach**

10. The Committee may choose to phase its work, dealing first with the question of the commemoration of Edward Cornwallis, and later making recommendations on the recognition and commemoration of indigenous history.

#### **Vision, Mission and Values**

11. The Committee shall conduct its work in accordance with the vision, mission and values of the Municipality, as articulated in the Municipality's Strategic Plan 2017-2021, and in a manner that is:

- (a) accessible;
- (b) truthful;
- (c) representative;
- (d) transparent;
- (e) accountable;
- (f) open and honourable;
- (g) inclusive, educational, holistic, just, and fair;
- (h) respectful; and
- (i) forward looking in rebuilding and renewing relationships between indigenous and non-indigenous persons.

#### **Membership**

12. (1) There shall be ~~eight (8)~~ **ten (10)** members of the Committee, who shall be as appointed by the Council by resolution.

(2) ~~Four (4)~~ **Five (5)** members of the Committee shall be appointed from a slate of nominations put forward by the Assembly of Nova Scotia Mi'kmaq Chiefs.

(3) The Public Appointment Policy shall not apply to appointments to this Committee, except Part 3 (Terms and Length of Service), Part 7 (Privacy Issues and Conflict of Interest) and Part 8 (Standards of Conduct for Agency, Board and Committee Appointees), which shall continue to apply.

(4) A member may resign from the Committee at any time by delivering to the Clerk a signed resignation and such a resignation is effective on delivery by the Clerk to the next meeting of the Council.

13. The role of all members of the Committee is to, with an open mind:

- (a) listen to those members of the public who contribute during the engagement process;
- (b) read and reflect on the relevant research and literature identified by the Committee; and
- (c) deliberate on the issues raised.

14. The advice and recommendations of the Committee shall be informed by its members' listening, reflection, and deliberation, as well as their expertise, experience and judgement.

#### **Co-Chairs**

15. (1) Council shall appoint two co-chairs.

(2) One co-chair shall be appointed from the members of the Committee nominated by the Assembly of Nova Scotia Mi'kmaq Chiefs.

16. The role of the co-chairs is to:

- (a) lead and guide the process and to facilitate meetings, including determining the frequency, location, format, and agenda for all meetings;
- (b) suggest alternative methods and procedures;
- (c) encourage participation by all members of the Committee;
- (d) work with Municipal staff in preparing agendas and meeting summaries;
- (e) guide in drafting products and summaries of the Committee; and
- (f) act on behalf of the Committee as spokespersons to the Council and the media as required.

17. If either of the co-chairs desires to participate in the discussion that co-chair shall leave their chair, and the second co-chair shall continue to chair the meeting. The co-chair shall return to their chair before a vote is taken.

18. In the event of a dispute between the co-chairs, the issue shall be put to the Committee to be decided by majority vote.

### **Meetings of Committee**

19. The provisions of Administrative Order One shall not apply to the Committee, except those portions the Committee adopts by resolution by majority vote.
20. The Committee may create its own procedures.
21. A majority of the numbers of members of Committee is a quorum for a meeting of the Committee.
22. (1) The recommendations of the Committee shall be agreed upon unanimously by those members present and voting.  
  
(2) Notwithstanding 21(1), where unanimity cannot be achieved, the minority recommendations may be provided to the Co-Chairs, who shall provide them to Municipal staff, along with the majority recommendations, for presentation to the Council.
23. The Committee's meetings shall be in accordance with section 19 of the *Halifax Regional Municipality Charter*.
24. (1) In the absence of one of the Co-Chairs, the remaining Co-Chair may chair the meeting, subject to the prior consent of the absent Co-Chair.  
  
(2) In the absence of both of the Co-Chairs, the members of the Committee may appoint a member of the Committee to chair the meeting from those members present.
25. Pursuant to clause 20(1)(c) of the *Halifax Regional Municipality Charter*, Council delegates the power to direct Municipal staff to prepare reports to the Committee provided that the topic of the report is consistent with the duties of the Committee as expressed in this Administrative Order.

### **Committee Support**

26. A budget of up to fifty thousand dollars (\$50,000.00) will be used to support the Committee and shall be managed by Municipal staff.
27. The budget may be used for:
  - (a) research;
  - (b) public engagement; and
  - (c) other supports for the Committee's work, as identified by the Co-chair.
28. The Committee shall be supported by Municipal staff as assigned by the CAO, to:
  - (a) source and compile research;
  - (b) provide secretarial support for the Committee;
  - (c) provide logistical and communications support for public engagement; and

(d) provide advice on Municipal policies and procedures.

**Remuneration**

29. A Member of the Committee shall be entitled to an honorarium of one hundred fifty dollars (\$150.00) per meeting of the panel, to a maximum of \$2,100.

Done and passed in Council this 3rd day of October A.D. 2017.

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Mayor

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Municipal Clerk