

<b>Request for Council's Consideration</b>	
<p><b>X</b> <b>Included on Agenda (Submitted to Municipal Clerk's Office by Noon Thursday)</b></p>	<p><input type="checkbox"/> <b>Added Item (Submitted to Municipal Clerk's Office by Noon Monday)</b></p> <p><input type="checkbox"/> <b>Request from the Floor</b></p>
<p><b>Date of Council Meeting:</b> November 27, 2018</p> <p><b>Subject: Amendments to Real Property Administrative Orders</b></p>	
<p><b>Motion for Council to Consider:</b></p> <p>That Regional Council request a staff report on amendments to HRM's Real Property Administrative Orders to require Council approval before entering into rights of first refusal for municipally-owned property.</p> <p><b>Reason:</b></p> <p>In October 2012, HRM entered into a right of first refusal for the Bowles Arena to settle a lawsuit. The right of first refusal was below the transactional limits at the time, which meant it didn't require Council approval. The result was that when the property became surplus, Council could not consider community use under Administrative Order 50. The Bowles right of first refusal cutoff any consideration of community use before the process envisioned under Administrative Order 50 could even begin. The property was simply not available.</p> <p>Staff indicate that the Bowles right of first refusal predated Administrative Order 50, and since Administrative Order 50's adoption, the practice regarding rights of first refusal has evolved. If the situation arose today, the Bowles would go to Council for approval. This, however, is only a best practice. There is nothing in Administrative Order 50 or in the Real Property Transactions Administrative Order that formally requires Council approval or that would prevent the Bowles situation from happening again.</p> <p>Entering into agreements that could effectively pre-determine the disposal of surplus property should require Council approval. The current best practice of treating rights of first refusal as potential disposals requiring Council approval should be reflected in the administrative orders.</p> <p><b>Outcome Sought:</b> Staff recommendation report.</p>	
<p><i>Councillor</i> Sam Austin</p>	<p><i>District</i> 05</p>