

# HALIFAX

P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 11.1.2**  
**Halifax Regional Council**  
**April 6, 2021**

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

**SUBMITTED BY:** Original Signed by   
Jacques Dubé, Chief Administrative Officer

**DATE:** March 5, 2021

**SUBJECT:** Procedure for Appointment of Traffic Authority

---

## **ORIGIN**

On August 18, 2020 Halifax Regional Council passed the following resolution:

*THAT Halifax Regional Council request a report on an appointment process that would require the Chief Administrative Officer to bring up to three officials of the municipality who are qualified to serve as the Municipal Traffic Authority to the Transportation Standing Committee to interview and consider. The Transportation Standing Committee will then make a recommendation to Council for approval on its appointment under section 86(6) of the Motor Vehicle Act.*

## **LEGISLATIVE AUTHORITY**

Halifax Regional Municipality Charter

**321(2)** The Council may, by policy, appoint a traffic authority for all or part of the Municipality.

Motor Vehicle Act

**86(6)** The council of a city or town may, from time to time, appoint the city or town manager, the chief of police, or some other official of the city or town, to be the traffic authority for the city or town.

**86(7)** The council of a city or town may, from time to time, appoint a member of the police force, or some other official of the city or town to be deputy traffic authority who, in the absence or incapacity of the traffic authority or in the event of his death or ceasing to hold the office, shall perform the duties and have all the authority of the traffic authority of the city or town.

## **RECOMMENDATION**

It is recommended that Halifax Regional Council adopt amendments to Administrative Order 12 as set out in Attachment 1 of this report, the purpose of which is to establish a standardized procedure for the appointment of the Traffic Authority.

## **BACKGROUND**

On October 20, 2015, upon the advice of staff and CIMA Consultants, Halifax Regional Council approved a resolution that “Halifax Regional Council continue its recent practice of appointing the [Executive] Director of Transportation and Public Works to the position of Traffic Authority.” The rationale of CIMA Consultants was that by appointing the [Executive] Director of Transportation and Public Works as the Traffic Authority, the Traffic Authority role is placed at a more strategic level in the organization when making decisions.

On December 12, 2019, the Transportation Standing Committee requested a report on “establishing a new procedure for the appointment of the Halifax Traffic Authority that would include the committee considering candidates and making recommendation to Council and may include the recruitment and hiring of new municipal staff for the appointment.”

On July 21, 2020 staff provided Regional Council with a detailed Information Report on the role and history of the Traffic Authority position. The report advised that an appointment procedure involving the recruitment of external candidates is not possible under the applicable legislative framework. Hiring decisions are solely the responsibility of the CAO under the *Halifax Regional Municipality Charter*. It is, however, within the Terms of Reference for the Transportation Standing Committee to make recommendations to Council on Regional Transportation issues including road and pedestrian safety. Recommendations regarding the appointment of the Traffic Authority and Deputy Traffic Authority could therefore flow through the Transportation Standing Committee to Council.

On August 18, 2020 Halifax Regional Council requested a report on “an appointment process that would require the Chief Administrative Officer to bring up to three officials of the municipality who are qualified to serve as the Municipal Traffic Authority to the Transportation Standing Committee to interview and consider. The Transportation Standing Committee will then make a recommendation to Council for approval on its appointment under section 86(6) of the Motor Vehicle Act.”

On September 1, 2020, staff recommended that Regional Council appoint Brad Anguish, P. Eng., as the Traffic Authority to be consistent with Regional Council’s October 20, 2015 direction that the Executive Director of Transportation and Public Works generally be appointed to the position. Regional Council voted to defer the proposed appointment pending receipt of the report requested on August 18, 2020. The position of Traffic Authority is currently vacant and is being served by two Deputy Traffic Authorities, Taso Koutroulakis, P.Eng. and Roddy MacIntyre, P.Eng.

## **DISCUSSION**

The Traffic Authority is a position created by statute. Statutory officers are common throughout all levels of government. Other statutory officers at the municipal level include the Engineer, Development Officers, Building Officials, and the Responsible Officer with respect to *Freedom of Information and Protection of Privacy*. In each instance, the statutory officers are empowered by legislation to make decisions on issues within their purview.

Under the *Motor Vehicle Act*, the Traffic Authority is given extensive responsibility for the regulation of traffic within municipal streets. The definition of “traffic” in the *MVA* includes “pedestrians ... vehicles ... and other conveyances either singly or together while using any street for purposes of travel.”

The Traffic Authority’s specific responsibilities include:

- erecting signs, markings and traffic control signals to direct and regulate traffic (s. 87-89; 93-94);
- establishing crosswalks, safety zones, traffic lanes, areas where left-turn/right-turn/U-turns are prohibited, one-way streets, (s. 90) tow-away zones (s. 92), temporary work areas (s. 106C),
-

- passenger and loading zones (s. 144), bus stops and taxi stands (s. 146), fire lanes (s. 150), no parking/no standing zones (s. 152);
- issuing parade permits; (s. 90)
- fixing maximum rates of speed (s. 101 – 105);
- designating school areas (s. 103);
- designating a sidewalk or part thereof as a trail and authorizing the use of bicycles thereon (s. 171A); and
- making and enforcing temporary regulations to cover emergencies or special conditions (includes the winter parking ban) (s. 202).

While Council appoints the Traffic Authority, the Nova Scotia Court of Appeal has determined that Council does not have a supervisory role over decisions that fall within the purview of the Traffic Authority and cannot usurp the powers of the Traffic Authority (see *Canada Trust Co. v. (Halifax City)*, (1993) 126 N.S.R. (2d) 218 (C.A.)).

The duties of the Traffic Authority are typically combined with other employment responsibilities assigned under the ultimate oversight of the CAO. The functions of the Traffic Authority are closely intertwined with the functions of the municipality's traffic management/traffic engineering department, which is responsible for implementing the directions of Council and the CAO (in accordance with applicable legislative standards and best practices). It is therefore important that both Council and the CAO support the appointment of the Traffic Authority. It is also important to be mindful not to create ambiguities or conflicts in reporting relationships among municipal staff.

In recent years Halifax Regional Council has, upon the recommendation of the CAO, appointed either the Executive Director of Transportation and Public Works, or a member of the Traffic Management department to act as Traffic Authority for the Municipality. In all instances, Council has approved the CAO's recommended nominee. It is, however, fully within Council's authority to reject the recommended nominee or to request that the CAO bring forward an alternative nominee for Council's consideration. It is also possible for Council or the Transportation Standing Committee to review and/or have a discussion with the proposed nominee(s) before Council makes its appointment.

In this sense, Council could take on a more active role in vetting the Traffic Authority than in the past. Practically speaking, however, it is still necessary for Council to only consider nominees put forward by the CAO. There are only so many municipal employees that have the appropriate education, skills and experience for the position of Traffic Authority and who would want the role. Amongst those individuals, some are assigned to other duties by the CAO that would not be compatible with the position or could not be performed concurrently. An open invitation to all municipal employees would therefore not be viable as it would infringe upon the CAO's authority to oversee departments and employees. Similarly, when considering appointments of Development Officers or Building Officials, it is necessary for Council to consider the individuals recommended by the CAO and not invite applicants that the CAO has assigned to other work duties.

It is therefore recommended that *Administrative Order 12* Respecting the Appointment of the Traffic Authority be amended to:

- (1) require the CAO to nominate one or more candidate(s) within three 3 months of any vacancy in the position of Traffic Authority;
- (2) allow the Transportation Standing Committee to review and/or have a discussion with the nominated candidate(s) prior to making a recommendation to Regional Council; and
- (3) expressly authorize Regional Council to approve a nominated candidate or to reject the nominated candidate(s) and request the CAO to nominate one or more additional individuals for consideration.

If Regional Council approves the proposed amendments to the Administrative Order, Council could then refer the deferred September 1, 2020 motion (recommending the appointment of Brad Anguish, P.Eng.) to the Transportation Standing Committee for consideration. If Regional Council chooses not to amend the Administrative Order, Council could take up the deferred September 1, 2020 motion for consideration directly.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this Report. The risks considered rate Low.

### **COMMUNITY ENGAGEMENT**

N/A.

### **ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

### **ALTERNATIVES**

Council could choose to modify the proposed amendments to the Administrative Order or could decline to make any amendments.

Council could modify the proposed amendments to have the nominated candidate(s) considered by the Executive Standing Committee instead of the Transportation Standing Committee prior to Regional Council approval. In either case, the appointment would ultimately have to be approved by Regional Council.

### **ATTACHMENTS**

Attachment 1 – Amending Administrative Order 12

Attachment 2 – Showing Proposed Changes to Administrative Order 12

---

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: Colin Taylor, Solicitor 902.490.4655

---



HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 12  
Respecting the Appointment of the Traffic Authority

BE IT RESOLVED as an Administrative Order of the Council of the Halifax Regional Municipality as follows:

**SHORT TITLE**

1. The Administrative Order may be cited as Administrative Order Number 12, the *Appointment of the Traffic Authority*.

**TRAFFIC AUTHORITY APPOINTED**

2. Mr. Bruce Zvaniga, P.Eng., is hereby appointed as the Traffic Authority as defined in Section 321 of the *Halifax Regional Municipality Charter*, and responsible for performing the duties set out in the Act.

**DEPUTY TRAFFIC AUTHORITY**

3. (1) Mr. Taso Koutroulakis, P.Eng., is hereby appointed as the Deputy Traffic Authority who shall, in the absence or incapacity of the traffic authority or in the event of his death or ceasing to hold the office, perform the duties and have all the authority of the traffic authority.

(2) Mr. Roddy MacIntyre, P.Eng., is hereby appointed as the Deputy Traffic Authority who shall, in the absence or incapacity of the traffic authority or in the event of his death or ceasing to hold the office, perform the duties and have all the authority of the traffic authority.

**APPOINTMENT PROCESS**

4. (1) The Chief Administrative Officer shall, within three (3) months of any vacancy in the position of Traffic Authority, nominate one (1) or more candidates for consideration by the Transportation Standing Committee.

(2) The Transportation Standing Committee may review and/or have a discussion with the nominated candidate(s) and shall make a recommendation to Regional Council on the appointment of a nominee or the rejection of all nominees.

(3) Regional Council may appoint a nominated candidate or reject all nominated candidates.

(4) If Regional Council rejects all nominated candidates, the Chief Administrative Officer shall nominate one (1) or more additional candidates for consideration by the Transportation Standing Committee, and the process in subsections (1) to (3) shall be repeated.

Done and passed in Council this 9<sup>th</sup> day of December, 2003.

---

Mayor

---

Acting Municipal Clerk

I, Jan Gibson, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above-noted Administrative Order was passed at a meeting of Halifax Regional Council held on December 9, 2003.

---

Jan Gibson, Acting Municipal Clerk

Amendment No. 1 - Mr. David McCusker, P.Eng., as Traffic Authority

---

Amendment No. 2 - Mr. Paul Burgess, as Deputy Traffic Authority

---

Amendment No. 3 - Mr. Taso Koutroulakis as Deputy Traffic Authority

---

Amendment No. 4 - Mr. Rick Paynter, P. Eng., as Traffic Authority

Notice of Motion: August 26, 2003  
Approved: September 2, 2003

---

Amendment No. 5 - Mr. Ken Reashor, P. Eng., as Traffic Authority

Notice of Motion: December 2, 2003  
Approved: December 9, 2003

---

Amendment No. 6 – Mr. Taso Koutroulakis as Traffic Authority and Tanya Davis as Deputy Traffic Authority

Notice of Motion: June 10, 2014  
Approved: June 24, 2014

---

Amendment # 7 – Extend appointment

Notice of Motion: December 2, 2014  
Approval: December 9, 2014

---

Amendment # 8 – Mr. Bruce Zvaniga as Traffic Authority, Mr. Taso Koutroulakis as Deputy Traffic Authority and Tanya Davis as Deputy Traffic Authority

Notice of Motion: June 16, 2015  
Approval: June 23, 2015

---

Amendment # 9 – Roddy MacIntyre to replace Tanya Davis as Deputy Traffic Authority

Notice of Motion: April 12, 2016  
Approval: April 26, 2016