

HALIFAX

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

Item No. 15.1.3
Halifax Regional Council
November 23, 2021

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: September 1, 2021

SUBJECT: Supplemental Report: Regional Watersheds Advisory Board Composition

SUPPLEMENTAL REPORT

ORIGIN

On January 12, 2021, Halifax Regional Council approved amendments to the Terms of Reference of the Regional Watersheds Advisory Board based on a review of the Committee and requested a supplemental report as follows:

THAT Halifax Regional Council:

1. Adopt the amendments to the Regional Watersheds Advisory Board Terms of Reference as set out in Attachment 4 of the staff report dated March 10, 2020; and
2. Request a supplemental report to examine the addition of members of the Environment and Sustainability Standing Committee to the Regional Watersheds Advisory Board membership.

MOTION PUT AND PASSED UNANIMOUSLY.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, Section 21(1) as follows:

21 (1) The Council may establish standing, special and advisory committees.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Maintain the current member composition of the Regional Watersheds Advisory Board; and
2. Adopt the proposed housekeeping amendments to the Regional Watersheds Advisory Board Terms of Reference as set out in Attachment 3 of this report.

BACKGROUND

In March 2018, the Regional Watersheds Advisory Board (RWAB) requested a review of its mandate and terms of reference including the addition of a member of Halifax Regional Council within its composition to serve as liaison between the Board and the Environment and Sustainability Standing Committee (ESSC).

On January 19, 2019, the Environment and Sustainability Standing Committee received a report regarding the Regional Watersheds Advisory Board and requested a supplemental report, which was received on December 7, 2020.

On January 12, 2021, Halifax Regional Council adopted amendments to the RWAB's membership composition including a reduction in the number of at-large citizen appointments (from 3 to 0), an increase in the number of water related professionals (from 5 to 7) and academics with doctoral training in watershed management (from 2 to 3) and requested a supplementary staff report examining the addition of members of the ESSC to the composition of the RWAB.

DISCUSSION

The matter of including a member of the Environment and Sustainability Standing Committee to the composition of the Regional Watersheds Advisory Board was addressed within the November 21, 2018 staff report:

RWAB Recommendation: *Have representation from a member of Halifax Regional Council to establish and create a link (liaison) between Council and the Regional Watersheds Advisory Board.*

Members of Halifax Regional Council sit as members on many of Halifax's Advisory Boards, Committees, and Commissions. Staff acknowledge that a direct link to a parent body can be helpful as a mechanism for establishing and maintaining interconnectivity. Staff note, however, that Regional Council has expressed an interest in limiting Regional Council appointments on these bodies. As such, staff view the appointment of a member of Regional Council to RWAB as a matter of ESSC discretion and take no position on the matter.¹

Staff's position on adding a member of the ESSC to the membership of the RWAB remains unchanged since the 2018 review. The recent amendments to the RWAB's Terms of Reference committee composition approved by Regional Council in January 2021, reflects Council's conventional approach to board and committee appointments by limiting the appointment of Regional Council and citizen-at-large members in favour of increasing the number of appointees with specific competencies or qualifications in water and environmental management. This approach to public appointments is one of the guiding principles of HRM's *Public Appointment Policy* respecting member selection:

Council recognizes that the needs of HRM's Agencies, Boards and Committees (ABCs) are best met by candidates who match the needs of the individual ABC's requirements. Council shall approve qualifications relevant to the responsibility of the Board or Committee and ensure, in making appointments, that the appointments collectively cover the range of skills and experience required to effectively make decisions.²

¹ See [ESSC, January 19, 2019 – Item No. 12.1.1](#)

² [Public Appointment Policy – Governing citizen appointments to HRM Agencies, Boards, Committees and Commissions and to External Bodies, section 1.6 – Selection Strategy](#)

Staff recognizes that the requirement for water and environmental management professionals on the RWAB does not prohibit or preclude the inclusion of a member of the Environment and Sustainability Standing Committee to serve on the Board. Halifax Regional Council is enabled by the section 21(1) of the *HRM Charter* to establish standing, special and advisory committees. Any proposed amendment to the membership criteria of the RWAB is at the discretion of Regional Council. Currently there are 20 internal boards, committees, and commissions of Council that include public volunteers. Of those 20, the majority (14) include members of Council in their membership composition. For further information, please refer to Attachment One of this report.

Through this review, staff have identified several housekeeping amendments to the RWAB's Terms of Reference which require Council's consideration. The housekeeping amendments include removing no longer applicable section numbers of Administrative Order One, identifying the ESSC as the nominating body for public appointments to the RWAB, and clarifying that the Regional Centre Community Council is not responsible for the appointment of a water related professional at large. For further information, please refer to Attachments Two and Three of this report.

FINANCIAL IMPLICATIONS

No financial implications at this time.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

No community engagement was required.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

As outlined in the discussion section of this report, Halifax Regional Council is enabled through section 21(1) of the *HRM Charter* to amend the compositions of a standing, special or advisory committees of Council. Staff have prepared amendments to the RWAB's terms of reference which would enable the appointment of one member of ESSC to serve for a two-year term on the RWAB and designate the ESSC as the nomination body responsible for forwarding a recommendation to Regional Council on the appointment of one of its members to the Board. For further information, please refer to Attachments Four and Five of this report.

1. Halifax Regional Council adopt the amendments to the Regional Watersheds Advisory Board Terms of Reference as set out in Attachment 5 of this report.
2. Halifax Regional Council propose further amendments to the Regional Watersheds Advisory Board Terms of Reference. This alternative recommendation may require further analysis from staff depending on this nature of the proposed amendments.

ATTACHMENTS

1. Halifax Regional Municipality Board, Committee and Commission Member Composition Summary
2. Showing Staff Recommended Changes to Terms of Reference
3. Amending Policy for Staff Recommended Changes to Terms of Reference
4. Showing All Changes to Terms of Reference
5. Amending Policy for All Changes to Terms of Reference

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: Phoebe Rai, Deputy Clerk, 902.490.4211

Internal Board, Committee and Commission Member Composition Summary

Name of Board, Committee or Commission	Members of Council and the Public	Public Members Only
Accessibility Advisory Committee	x	
Active Transportation Advisory Committee	x	
Board of Police Commissioners	x	
Community Design Advisory Committee	x	
Design Review Committee		x
Design Advisory Committee		x
Grants Committee	x	
Halifax Peninsula Planning Advisory Committee	x	
Harbour East-Marine Drive Planning Advisory Committee		x
Heritage Advisory Committee	x	
Investment Policy Advisory Committee	x	
License Appeal Committee		x
North West Planning Advisory Committee	x	
Port Wallace Public Participation Committee		x
Point Pleasant Park Advisory Committee	x	
Regional Watersheds Advisory Board		x
Special Events Advisory Committee	x	
Western Common Advisory Committee	x	
Women's Advisory Committee of Halifax	x	
Youth Advisory Committee		x

Attachment 2
(Showing Staff Recommended Changes to Terms of Reference)

The Regional Watersheds Advisory Board
Terms of Reference

Purpose: As subject matter experts, with respect to watershed management, the Watersheds Advisory Board:

1. Advises the Environment and Sustainability Standing Committee on municipal policy projects as required under the HRM Charter, the Regional Municipal Planning Strategy, and Secondary Planning Strategies, and as may be specifically assigned by the Environment & Sustainability Committee, excluding advising on Package B respecting the Regional Centre Secondary Municipal Planning Strategy, the Regional Centre Land Use By-law, and any necessary amendments to existing planning documents arising from Package B;
2. As required by the HRM Charter, the Regional Municipal Planning Strategy, and Secondary Planning Strategies, to fulfil the legislated requirements with respect to municipal development activities;
- 2A. Advise the Environment and Sustainability Standing Committee on joint projects between the Municipality and Halifax Water respecting the development of policies appropriate to protect water resources in the Municipality.
3. Performs duties as directed by Regional Council on matters described in the Municipal Planning Strategies.

Composition:

- Up to seven (7) water related professionals at large, **including that one of the seven may be appointed by each community councils**; four (4) appointed by Regional Council, and one (1) appointed by each community council, except the Regional Centre Community Council
- faculty members at post-secondary institutions or for research scientists, working in watershed management
- Up to two (2) representatives of Environmental Community Groups or Recreational Organizations

Terms:

To build and maintain technical and procedural expertise, six (6) of the twelve (12) members shall be appointed for a two-year term and the remaining six (6), for a three-year term.

Governance:

On behalf of Regional Council, the Environment and Sustainability Standing Committee shall provide oversight to the Advisory Board Workplan, Terms of Reference, Appointments, and other Governance matters.

Policy Development and Review Projects:

The Halifax Regional Municipality is enabled through the HRM Charter, as an act of Provincial legislation, to be the primary authority for planning within its jurisdiction. The Municipal Planning Strategies enacted by Regional Council are the overarching municipal policy set. The HRM Charter defines the mandate and authority of the municipality in planning matters and municipal planning provides statements of policy to guide the development and management of the

municipality including establishing policies to provide a framework for the environmental, social and economic development within the Municipality. All assigned policy projects must comply with these policies and legislative directions.

Officers:

The Board shall have a Chair and Vice Chair to be elected from among its members at the first meeting following composition and at the first meeting of the calendar year. The Vice Chair shall act a Chair in the absence of the Chair. The Chair and Vice Chair may be reappointed for subsequent terms providing they are still members of the Board.

Staff Complement:

The municipality shall supply Board support from the Clerk's Office. The Manager of Energy and Environment shall be the primary staff liaison.

Meetings:

The Board shall meet monthly or as required to conduct the business of the Board. Additional meetings may be scheduled at the discretion of the Chair in consultation with the Clerk's Office.

Quorum:

The quorum for regular meetings shall be in accordance with ~~Section 74 of~~ Administrative Order 1 – Quorum of Committees.

Appointments:

The Environment and Sustainability Standing Committee is ~~designed to be both the nominating and appointing body~~ designated to be the nominating body and Regional Council will serve as the appointing body for members of the Board, except for the members appointed by each of the Community Councils, for which the Community Council will serve as both the nominating and appointing body. Appointments shall be made in accordance with the Public Appointment Policy adopted by Regional Council.

Vacating a Position:

During the term of Office a member may vacate their position on the Board in accordance to the procedures set out in ~~Section 68 of~~ Administrative Order 1 – Vacating a Position on Committee.

Procedure:

Meeting procedures shall be governed by the HRM Administrative Order 1 – Respecting Procedures of Council as it related to Committee Procedures.

Approved February 19, 2013
Amended: May 14, 2013
Amended: January 14, 2020
Amended: January 12, 2021

Attachment 3

(Amending Policy for Staff Recommended Changes to Terms of Reference)

**The Regional Watersheds Advisory Board
Terms of Reference**

BE IT RESOLVED that the terms of reference of the Regional Watersheds Advisory Board are amended as follows:

1. under the header "Composition":

(a) in the first bullet, striking out the words and comma "including that one of the seven may be appointed by each community councils" after the word "large"; and

(b) replacing them with the words, numbers, brackets and semi-colon "; four (4) appointed by Regional Council, and one (1) appointed by each community council, except the Regional Centre Community Council".

2. under the header "Quorum", striking out the words and numbers "Section 74 of" after the word "with" and before the word "Administrative".

3. under the header "Appointments", striking out the words "designed to be both the nominating and appointing body" after the words "Standing Committee is" and before the words "for the members" and replacing them with the words "designated to be the nominating body and Regional Council will serve as the appointing body".

4. under the header "Vacating a Position", striking out the words and numbers "Section 68 of" after the word "in" and before the word "Administrative".

Done and passed this day of , 2021.

Mayor

Municipal Clerk

The Regional Watersheds Advisory Board
Terms of Reference

Purpose: As subject matter experts, with respect to watershed management, the Watersheds Advisory Board:

1. Advises the Environment and Sustainability Standing Committee on municipal policy projects as required under the HRM Charter, the Regional Municipal Planning Strategy, and Secondary Planning Strategies, and as may be specifically assigned by the Environment & Sustainability Committee, excluding advising on Package B respecting the Regional Centre Secondary Municipal Planning Strategy, the Regional Centre Land Use By-law, and any necessary amendments to existing planning documents arising from Package B;
2. As required by the HRM Charter, the Regional Municipal Planning Strategy, and Secondary Planning Strategies, to fulfil the legislated requirements with respect to municipal development activities;
- 2A. Advise the Environment and Sustainability Standing Committee on joint projects between the Municipality and Halifax Water respecting the development of policies appropriate to protect water resources in the Municipality.
3. Performs duties as directed by Regional Council on matters described in the Municipal Planning Strategies.

Composition:

- Up to seven (7) water related professionals at large, **including that one of the seven may be appointed by each community councils**; four (4) appointed by Regional Council, and one (1) appointed by each community council, except the Regional Centre Community Council
- faculty members at post-secondary institutions or for research scientists, working in watershed management
- Up to two (2) representatives of Environmental Community Groups or Recreational Organizations
- **One (1) member of the Environment and Sustainability Standing Committee**

Terms:

To build and maintain technical and procedural expertise, **six (6) seven (7)** of the **twelve (12) thirteen (13)** members shall be appointed for a two-year term and the remaining six (6), for a three-year term.

Governance:

On behalf of Regional Council, the Environment and Sustainability Standing Committee shall provide oversight to the Advisory Board Workplan, Terms of Reference, Appointments, and other Governance matters.

Policy Development and Review Projects:

The Halifax Regional Municipality is enabled through the HRM Charter, as an act of Provincial legislation, to be the primary authority for planning within its jurisdiction. The Municipal Planning Strategies enacted by Regional Council are the overarching municipal policy set. The HRM

Charter defines the mandate and authority of the municipality in planning matters and municipal planning provides statements of policy to guide the development and management of the municipality including establishing policies to provide a framework for the environmental, social and economic development within the Municipality. All assigned policy projects must comply with these policies and legislative directions.

Officers:

The Board shall have a Chair and Vice Chair to be elected from among its members at the first meeting following composition and at the first meeting of the calendar year. The Vice Chair shall act a Chair in the absence of the Chair. The Chair and Vice Chair may be reappointed for subsequent terms providing they are still members of the Board.

Staff Complement:

The municipality shall supply Board support from the Clerk's Office. The Manager of Energy and Environment shall be the primary staff liaison.

Meetings:

The Board shall meet monthly or as required to conduct the business of the Board. Additional meetings may be scheduled at the discretion of the Chair in consultation with the Clerk's Office.

Quorum:

The quorum for regular meetings shall be in accordance with ~~Section 74 of~~ Administrative Order 1 – Quorum of Committees.

Appointments:

The Environment and Sustainability Standing Committee is ~~designed to be both the nominating and appointing body~~ designated to be the nominating body and Regional Council will serve as the appointing body for members of the Board, except for the members appointed by each of the Community Councils, for which the Community Council will serve as both the nominating and appointing body. Appointments shall be made in accordance with the Public Appointment Policy adopted by Regional Council.

Vacating a Position:

During the term of Office a member may vacate their position on the Board in accordance to the procedures set out in ~~Section 68 of~~ Administrative Order 1 – Vacating a Position on Committee.

Procedure:

Meeting procedures shall be governed by the HRM Administrative Order 1 – Respecting Procedures of Council as it related to Committee Procedures.

Approved February 19, 2013
Amended: May 14, 2013
Amended: January 14, 2020
Amended: January 12, 2021

Attachment 5
(Amending Policy for All Changes to Terms of Reference)

The Regional Watersheds Advisory Board
Terms of Reference

BE IT RESOLVED that the terms of reference of the Regional Watersheds Advisory Board are amended as follows:

1. the header "Composition" is amended by:

(a) in the first bullet, striking out the words and comma "including that one of the seven may be appointed by each community councils" after the word "large";

(b) replacing them with the words, numbers, brackets and semi-colon "; four (4) appointed by Regional Council, and one (1) appointed by each community council, except the Regional Centre Community Council"; and

(d) adding a fourth bullet with the words, brackets and number "One (1) member of the Environment and Sustainability Standing Committee".

2. the header "Terms" is amended by:

(a) striking out the word, number and brackets "six (6)" after the word and comma "expertise," and before the words "of the" and replacing them with the word, number and brackets "seven (7)"; and

(b) striking out the word, numbers and brackets "twelve (12)" after the words "of the" and before the word "members" and replacing them with the word, numbers and brackets "thirteen (13)".

3. the header "Quorum" is amended by striking out the words and numbers "Section 74 of" after the word "with" and before the word "Administrative".

4. the header "Appointments" is amended by striking out the words "designed to be both the nominating and appointing body" after the words "Standing Committee is" and before the words "for the members" and replacing them with the words "designated to be the nominating body and Regional Council will serve as the appointing body".

5. the header "Vacating a Position" is amended by striking out the words and numbers "Section 68 of" after the word "in" and before the word "Administrative".

Done and passed this day of , 2021.

Mayor

Municipal Clerk