

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

**SUBMITTED BY:**

Original Signed by 

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** March 8, 2022

**SUBJECT:** Proposed Amendments to Administrative Order One, the Procedure of Council  
Administrative Order – Procedures for Virtual Meetings and Engagement

---

## **ORIGIN**

The end of the provincial state of emergency on March 20, 2022 and amendments to the HRM Charter to add section 16A Virtual Meetings

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter*, S.N.S. 2008, c. 39 (Charter), section 16A, clause 20(1)(b), and subsections 219(1)(3), as follows:

- 16A (1) Where a procedural policy of the Council so provides, a Council meeting, community council meeting or Council committee meeting may be conducted by electronic means if
- (a) at least two days prior to the meeting, notice is given to the public respecting the way in which the meeting is to be conducted;
  - (b) the electronic means enables the public to see and hear the meeting as it is occurring;
  - (c) the electronic means enables all the meeting participants to see and hear each other; and
  - (d) any additional requirements established by regulation have been met.
- (2) Where a procedural policy of the Council so provides, a Council member or Council committee member may participate in a Council meeting, community council meeting or Council committee meeting through electronic means if
- (a) the electronic means enables the public to see and hear the member as the meeting is occurring;
  - (b) the electronic means enables all meeting participants to see and hear each other; and
  - (c) any additional requirements established by regulation have been met.

(3) A Council member participating in a Council meeting, community council meeting or Council committee meeting by electronic means is deemed to be present at the meeting.

- (4) The notice to the public referred to in clause (1)(a) must be given by
- (a) publication in a newspaper circulating in the Municipality;
  - (b) posting on the Municipality's publicly accessible Internet site and in at least five conspicuous places in the Municipality; or
  - (c) such other method permitted by regulation.

(5) Notwithstanding clause (1)(a), where the Mayor determines that there is an emergency, a meeting may be conducted by electronic means without notice or with such notice as is possible in the circumstances.

20 (1) The Council may make policies

- (b) regulating its own proceedings and preserving order at meetings of the Council;

219 (1) The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.

(3) The content of a public participation program is at the discretion of the Council, but it must identify opportunities and establish ways and means of seeking the opinions of the public concerning the proposed planning documents.

### **RECOMMENDATION**

It is recommended that Halifax Regional Council adopt the amendments to Administrative Order One, *the Procedure of the Council Administrative Order*, and Administrative Order 2020-009-ADM, the *Covid-19 Administrative Order*, as set out in Attachment 2 of this report.

### **BACKGROUND**

On March 22, 2020 the Government of Nova Scotia declared a provincial state of emergency to help prevent the spread of COVID-19. On the same day, the Minister of Municipal Affairs and Housing, directed that all municipalities and villages in the Province:

discontinue holding their meetings in person, instead only virtual meetings may be held by video or telephone. Those virtual meetings must be recorded, and the minutes posted on a public website within 24 hours of the meeting.

Regional Council commenced virtual meetings on April 2, 2020. Community Council, Standing Committees and other Board and Committee meetings followed in virtual formats.

On May 26, 2020, Regional Council passed amendments to Administrative Order 2020-009-ADM, the *Covid-19 Administrative Order*, to outline procedures for Virtual Public Hearings which enabled the public to join the meeting by video or telephone.

On July 29, 2020 the Minister repealed and replaced the May 26th direction. Under the new direction, if gathering limits and physical distancing requirements imposed under the *Public Health Act* could not be met:

The municipality or village must not hold meetings exclusively in person and must instead hold the meeting partly or wholly as a virtual meeting by video or telephone, and ensure that all of the following conditions are met:

- i) the total number of persons present for any in person portion of the meeting does not exceed a gathering limitation imposed in a *Health Protection Act* order; and
- ii) for any in person portion of the meeting, all physical distancing requirements or other requirements imposed in a *Health Protection Act* order are met.

Following this direction, meetings continued in both in person and virtual formats in 2020 and 2021, depending on the restrictions in place in the province.

The Administrative Order was further amended on July 20, 2021 to support the transition back to in person public hearings, while also acknowledging the continued uncertainty around public health regulations and enabling virtual meetings and public hearings to continue to be held.

In the Fall of 2021 in conjunction with the roll out of the Proof of full Vaccination requirements, meetings that were held in person allowed for members of the public to participate via telephone.

On April 19, 2021, the Province passed Bill 98 which added section 16A to the Charter. This section requires that a procedural policy be approved by the Council to allow for virtual meetings of Council, Community Councils or any other committee of Council meeting.

## **DISCUSSION**

### Virtual Meetings

The Ministerial direction that enabled virtual meetings during the state of emergency is anticipated to end on March 20, 2022. Section 16A of the Charter will then govern the procedures for virtual meetings and requires that a Council policy be in place prior to holding virtual meetings. For a virtual meeting, section 16A requires that:

- at least two days prior to the meeting, notice is given to the public respecting the way in which the meeting is to be conducted;
- the electronic means enables the public to see and hear the meeting as it is occurring; and
- the electronic means enables all the meeting participants to see and hear each other.

Attachment 2 of this reports outlines the new procedures for virtual meetings. Attachment 1 shows the changes from the current version of Administrative Order One. While Regional Council and other Committees are anticipated to return to in person meetings in conjunction with Phase 3 of the Government of Nova Scotia reopening plan scheduled for March 21, 2022, other meeting bodies may choose to remain virtual.

If a meeting is held virtually all meeting participants must participate in a way that allows them to be seen and heard, this includes staff and members of the public. Participation by telephone alone will no longer be permitted as it does not allow the participant to be seen.

Meetings held virtually will be live streamed for the public and available through Halifax Regional Municipality media channels.

### Hybrid Meetings

The current technology in Council Chambers, Halifax Hall and the Harbour East-Marine Drive Community Council Chamber will not allow for the public, staff or members of Council to be seen and heard while

participating virtually. As a result, we are unable to meet the legislative requirements for virtual participation within an in-person meeting.

A technology upgrade to allow for videoconferencing, for the public only, is in process for Council Chambers. However, the parts necessary for this upgrade, are delayed due to global supply chain issues and no replacement part is available.

Only in person meetings held in Council Chambers can currently be live streamed. Meetings held in other locations will be limited to in person only and cannot be video recorded or live streamed.

There is work required to implement some of the opportunities that have been presented by the response to meetings throughout the pandemic to date. Work is being initiated to provide Regional Council the cost and staffing implications required to further integrate virtual participation within in person meetings for all meeting participants and at various meeting locations. This will also require further policy development and integration within Regional Council's procedural meeting documents. Further updates will be provided.

#### Virtual Public Engagement

The *Covid-19 Administrative Order* terminates on March 31, 2022. It currently allows for virtual public information meetings and virtual public engagement for planning documents and planning applications to allow public consultation during the pandemic. These amendments have been temporarily added to Administrative Order One to allow these options to continue. Staff will be returning to Council at a future date with a stand-alone Administrative Order for these amendments but this action will allow for virtual meetings to continue for these meeting types in the interim.

#### Amendments to Covid-19 Administrative Order

The *Covid-19 Administrative Order* will terminate on March 31, 2022. The virtual public hearing schedule to the *Covid-19 Administrative Order* has been added as Appendix B to the Administrative Order One. As well, the virtual public engagement sections of the *Covid-19 Administrative Order* have been added as Schedule 9 to Administrative Order One. There are corresponding amendments to the *Covid-19 Administrative Order* to remove those provisions that have been added to Administrative Order One.

### **FINANCIAL IMPLICATIONS**

No financial implications at this time.

### **RISK CONSIDERATION**

Under the provincial state of emergency members of the public were able to join the meeting by telephone. Under the new section 16A of the Charter, all meeting participations are required to be seen and heard. While most members of the public joined the meeting through video, some members preferred to use the telephone or when experiencing technical issues joined via the telephone. Using a telephone option alone is no longer permitted for any meeting participations.

The upgrade needed to allow for members of the public to be seen and heard for meetings in the Council Chamber is delayed due to global supply chain and shipping delays. An estimated time when this may be ready for use is not possible at this time and no replacement parts are available. Until this part arrives the public is not able to participate via video for meetings in the Council Chamber.

**COMMUNITY ENGAGEMENT**

No community engagement was required.

**ENVIRONMENTAL IMPLICATIONS**

No environmental implications were identified.

**ALTERNATIVES**

Halifax Regional Council could decide not to amend Administrative Order One to include procedures for virtual meetings. If Council selects this option, virtual meetings will no longer be possible.

**ATTACHMENTS**

Attachment 1 Showing Proposed Changes to Administrative Order One, Covid-19 Administrative Order  
Attachment 2 Amending Administrative Order

---

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: Iain MacLean, Municipal Clerk, 902.490.4210

---

**ATTACHMENT 1  
(Showing Proposed Changes to Administrative Order One, Covid 19 Administrative Order)**

**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER ONE  
RESPECTING THE PROCEDURES OF THE COUNCIL**

**Table of Contents**

**PROCEDURES DURING MEETING OF THE COUNCIL**

- Order of Business..... 36
- Order of Business at Special Meeting of the Council ..... 38
- Special Community Announcements and Acknowledgements..... 39
- Minutes ..... 40
- Consent Agenda.....41

**PROCEDURES FOR VIRTUAL MEETINGS AND PARTICIPATION**

- Virtual Meetings and Virtual Participation Procedures.....41A

**PUBLIC INPUT**

- Procedures for Public Hearings ..... 42
- Forum for Public Submissions ..... 43
- Request for Presentations..... 44
- Presentations ..... 45
- Presentations as Added Items..... 46
- Petitions and Communications ..... 47

**MEETING OF COMMITTEE CONTINUED**

- Order of Business at Committee ..... 130
- Public Submissions. .... 131
- Quorum of Committee. .... 132
- ~~Quorum by Electronic Conferencing .....133~~
- Quorum Where Mayor Ex officio ..... 134

**TABLE OF CONTENTS  
FOR APPENDIX AND SCHEDULES**

**ITEM PAGE NUMBER**

**APPENDIX A – PROCEDURES FOR IN-PERSON PUBLIC HEARINGS..... 5051**

**APPENDIX B – PROCEDURES FOR VIRTUAL PUBLIC HEARINGS ..... 55**

**APPENDIX C - VIRTUAL MEETING AND VIRTUAL PARTICIPATION PROCERDURES 59**

**SCHEDULES**

- Schedule 1 Appeals Committee .....62
- Schedule 2 Audit and Finance Standing Committee .....64
- Schedule 3 Community Planning And Economic  
Development Standing Committee ..... 70
- Schedule 4 Standing Committee of the Whole on Budget..... 74
- Schedule 5 Environment and Sustainability Standing Committee ..... 76
- Schedule 6 Executive Standing Committee ..... 80
- Schedule 7 Transportation Standing Committee ..... 84
- Schedule 8 Community Councils ..... 88
- Schedule 9 Virtual Public Engagement..... 90

### Interpretation

3. In this Administrative Order,

(h) “*HRM Charter*” means the *Halifax Regional Municipality Charter*, S.N.S., 2008, c. 39, as amended;

(ha) “in-person” means a meeting where the Members are physically present in the same room;

(i) “Member” means a Member of the Council;

(l) “Petition” includes a written or an electronic petition; **and**

(m) “status sheet” means a list of items maintained by the Clerk respecting matters before the Council, a Community Council or a committee of the Council; **and**

(n) “virtual” means appearing by video, or by a combination of video and telephone.

### Amendment to Rules

5. This *Administrative Order* shall not be amended or repealed except by Administrative Order passed at a ~~regular~~ meeting of the Council pursuant to a notice of motion in writing given at the prior regular meeting of the Council and setting forth the terms and substantial effect of the proposed Administrative Order.

### Duties of Presiding Officer

26 (1) The Presiding Officer shall:

(a) open the meeting of the Council by taking the chair and calling the Members to order;

(b) receive and submit, in the proper manner, motions properly presented by a Member;

(c) put to a vote a question that is moved and seconded or necessarily arises in the course of the proceedings and to announce the result of the vote;

(d) decline to put to a vote a motion which infringes upon the rules of procedure;

(e) restrain the Members, when engaged in debate, within the rules of order;

(f) enforce, on all occasions, the observance of order and decorum;

(g) call by name any Member persisting in a breach of the rules of order of the Council thereby ordering him or her to vacate the Council Chamber **or the meeting**;

(h) permit questions to be asked through the Presiding Officer of any official of the Municipality to provide information to assist any debate when he or she deems it proper to do so;

(i) provide information to Members on any matter touching on the business of the Municipality;

(j) inform the Council when necessary, or when referred to, on a point of order;  
and

(k) adjourn the meeting when the business is concluded.

(2) At the time of calling the meeting to order, the Presiding Officer may call for a moment of reflection.

### **Consent Agenda**

41. (1) Subject to subsection (2), the Consent Agenda may contain routine or non-controversial items;

(2) The following matters shall not be set on the Consent Agenda:

(a) Second Readings of by-laws and land use by-laws, including any amendments thereto;

(b) Administrative Orders;

(c) Information items brought forward;

(d) planning documents as defined by clause 209(m) of the HRM Charter;

(e) development agreements or incentive or bonus zoning agreements, including any amendment thereto;

(f) appeals;

(g) Motions of rescission, or motions requiring a 2/3 vote of Regional Council;

(h) Motions made by Members of Council

(i) In Camera matters; and

(j) Late or added items to the agenda.

(3) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motion shall be granted as of right.

(4) During consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.

(5) The Presiding Officer shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.

(6) The vote on the Consent Agenda, will be conducted electronically **for an in-person meeting**, and shall require a majority vote of Regional Council Members present.

(7) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (6) is passed.

(8) Items removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

### **Virtual Meeting and Virtual Participation Procedures**

41A (1) The additional Procedures contained in Appendix "C" attached to this *Administrative Order* shall apply to the conduct of virtual meetings, and virtual participation in a meeting.

(2) A meeting is a virtual meeting if a majority of the members are virtual participants.

## PUBLIC INPUT

### Procedures for Public Hearings

42 (1) The Procedures contained in Appendix "A" attached to this *Administrative Order* shall apply to the conduct of **in-person** Public Hearings.

(2) The Procedures contained in Appendix "B" attached to this *Administrative Order* shall apply to the conduct of virtual public hearings.

### General Decorum

77 (1) No Member shall:

(a) use offensive or unparliamentary language or speak disrespectfully of anyone while in the Council;

(b) speak to a matter or a question other than the matter or the question in debate; or

(c) reflect upon any vote of the Council except for the purpose of moving in accordance with the provisions hereof, that the question be rescinded or reconsidered.

(2) If a Member resists the rules of the Council, willfully obstructs the business of the Council or disobeys the decision of the Presiding Officer, or of the Council on appeal, on any question of order or practice or upon the interpretation of the rules of the Council after being called to order by the Presiding Officer the Member may

(a) **for an in-person participant**, be ordered by the Council by a majority vote to leave the Member's seat for that meeting; **or**

(b) **for a virtual participant**, be ordered by the Council by a majority vote to leave the meeting.

(3) If the Member refuses to

(a) leave his or her seat, the Presiding Officer may order the Member removed therefrom by the police;

(b) **leave the meeting, order the Clerk to disconnect the Member;**

but in case of ample apology being made, the Member may, by vote of the Council, be permitted forthwith to retake his or her seat, **or remain in or reconnect to the meeting.**

### Member Called to Order

81 (1) A Member called to order shall immediately **stop speaking sit down**, but may afterwards explain, and the Council, if appealed to, shall decide the same without debate.

(2) If there be no appeal the decision of the Presiding Officer shall be submitted to by the Member.

### Decorum During Vote

84 (1) When the Presiding Officer calls for the question no Member shall walk across or out of the room or speak to any other Member or make any noise or disturbance.

(2) A Member not in his or her seat shall not be entitled to vote.

(3) A Member that is a virtual participant that is not present shall not be entitled to vote.

#### **Quorum by Electronic Conferencing**

133 ~~(1) Under acceptable circumstances, as determined by the Clerk of the committee, a Member of an Advisory Committee may attend the meeting through the use of electronic conferencing for the purpose of meeting quorum providing:~~

~~(a) the Member has before them the report and recommendations to be considered; and~~

~~(b) the meetings are open to the public.~~

~~(2) If the conditions of subsection 1 are met, the Member may participate in debate and vote on the matter.~~ **Repeal**

### **APPENDIX "A" RULES FOR **IN-PERSON** PUBLIC HEARING**

#### **Application**

1. Except where otherwise stated, these Rules shall apply equally to **a an in-person** public hearing conducted by the Council and a Community Council.

### **APPENDIX "B" RULES FOR **VIRTUAL** PUBLIC HEARING**

#### **Application**

1. (1) These Rules shall apply equally to a virtual public hearing held by the Council and a Community Council.

(2) The requirements for a virtual meeting are set out in Appendix C.

#### **Advertising Public Hearing**

2. (1) A public hearing at the Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Council.

(2) A public hearing at a Community Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Community Council.

(3) Advertisements shall only be placed for the first date of a public hearing and shall state that if the public hearing cannot be concluded at the advertised date, it will continue on a date determined by the Council or the Community Council at the public hearing.

(4) The advertisements must indicate the date and time by which a person needs to:

(a) contact the Office of the Clerk, and the information that must be provided to the Office of the Clerk, to be added to the Speaker's List; and

(b) provide written submissions to the Office of the Clerk to be distributed.

#### **Written Submissions**

3. (1) A person who wishes to provide a written submission in respect of any matter which is the subject matter of a public hearing shall direct the submission to the Office of the Clerk.

(2) Submissions shall be received in the Office of the Clerk no later than the date and time indicated in the advertisements under subsection 2(4) of this Appendix.

(3) The Clerk shall distribute to the Council all submissions received by the date and time indicated in the advertisements under subsection 2(4) of this Appendix.

#### **Speakers' List**

4. (1) A Speakers' List will be prepared by the Office of the Clerk.

(2) A person wishing to speak at a public hearing shall provide to the Office of the Clerk their name, community of residence, and any other information required in the advertisement under subsection 2(4) of this Appendix.

(3) If a speaker represents a group, they shall indicate the name of the group they represent both on the Speakers' List and when they address the Council or the Community Council during the public hearing.

(4) A person who provides the required information within the date and time indicated in the advertisements will be added to the Speaker's List.

#### **Before Public Hearing Opened**

5. Before the public hearing is opened:

(a) the Presiding Officer shall ask staff for a presentation;

(b) staff shall then be given an opportunity to provide an explanation of the matter being considered and the staff recommendation to the Council or the Community Council; and

(c) following the staff presentation, if any, Members may ask staff questions of clarification only.

#### **Opening of Public Hearing**

6. (1) The public hearing shall then be opened and:

(a) the applicant, or designate, shall be invited to address the Council or the Community Council and if the applicant, or designate, decides to speak, they shall be given ten (10) minutes to present their proposal; and

(b) after the applicant, or designate, presents the proposal, the Members may ask the applicant questions of clarification and the applicant, or designate, shall respond to such questions.

(2) The applicant, or designate, may address the Council or the Community Council.

(3) If the applicant, or designate, has previously provided an electronic presentation to the Office of the Clerk, in a format acceptable to the Clerk, staff will display the presentation and the applicant, or designate, will provide all the commentary on it and staff will advance the presentation to the next slide when requested to do so.

#### **Explanation of Speaking Rules**

7. The Presiding Officer shall then explain speaking rules as set out in section 8.

8. Each speaker shall

(a) be given five (5) minutes to address the topic;

(b) be required to state their name, and the name of the community in which they reside;

(c) keep their comments respectful, on topic and directed at the Presiding Officer; and

(d) not debate points of view expressed by other speakers.

9. During a public hearing:

(a) the Clerk may, upon receiving a request, advise members of the public where they appear on the Speakers' List;

(b) the Clerk may notify the Council if the connection is lost with a speaker and attempt to reconnect with them and, if unsuccessful, Council or the Community Council may move on to the next speaker;

(c) at the discretion of the Presiding Officer, the Council or Community Council may take a recess every hour; and

(d) no applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned.

#### **Calling Speakers**

10. The Presiding Officer shall then call the speakers in the order on the Speakers' List, and if:

(a) a person is not present when their name is called, they will be given an opportunity to speak after everyone on the Speaker's List has been called; or

(b) a speaker has been disconnected and their attempt to reconnect was unsuccessful, they will be given an opportunity to speak for the remainder of their 5 minutes after everyone on the Speaker's List has been called.

11. If it is necessary to adjourn the public hearing to another date, the Presiding Officer shall direct those on the Speaker's List at the initial advertised date who did not have the opportunity to be heard and still wish to address the Council to speak to the Clerk.

12. At the continuation of a public hearing on a second or subsequent date:

(a) only those whose names are on the Speakers' List and were not heard at the initial advertised date shall be permitted to speak; and

(b) there shall be no substitution of names permitted.

13. After all the people have spoken, the Presiding Officer shall invite the applicant or designate to respond to the points raised by the speakers, and if the applicant or designate, decides to speak, they shall be given five (5) minutes to speak.

#### **Close of Public Hearing**

14. The Presiding Officer shall then ask for a motion to close the public hearing and no further speakers shall be heard.

15. Following the close of the public hearing, the Clerk shall record in the Minutes those who spoke at the hearing.

16. Staff will be provided an opportunity to briefly respond to points raised by the speakers.

17. Members may request clarification of staff respecting matters raised during the public hearing.

#### **Role of Council During Public Hearing**

18. (1) The role of the Council or Community Council at a public hearing is to listen to the public.

(2) Members shall not debate nor challenge the comments being offered by the speaker.

(3) Following a speaker's presentation, Members may ask questions of the speaker, seeking clarification of the points they raised.

(4) Members shall not enter into dialogue with the public during the Public Hearing.

#### **Voting**

19. Only Members present for the entire staff presentation and public hearing shall be permitted to vote.

20. Notwithstanding section 19, only Members present during the entire debate following the close of the public hearing, including during any clarification by staff, the developer or Members of the public, shall be permitted to vote respecting

(a) the adoption or amendment to a Municipal Planning Strategy or Land Use By-law;

(b) an appeal of a site-plan or variance;

(c) a registration or de-registration of heritage property; and

(d) the sale of property at less than market value.

### **APPENDIX "C"**

#### **VIRTUAL MEETING AND VIRTUAL PARTICIPATION PROCEDURES**

1. These procedural requirements are intended to complement and supplement, and not to replace, the requirements contained in

(a) the *HRM Charter*, and

(b) this Administrative Order.

#### **Interpretation**

2. In this Schedule,

(a) "meeting" means a meeting of the Council, a Community Council, or a council committee; and

(b) "Member" means a member of:

(i) the Council, including the Mayor,

(ii) a Community Council, or

(iii) a Council committee.

#### **Public Notice**

3. A virtual meeting may be conducted if, at least two days prior to the meeting, notice is given to the public respecting the way in which the meeting is to be conducted.

4. The notice to the public referred to in section 3 of this Appendix must be given by:

(a) publication in a newspaper circulating in the Municipality; or

(b) posting on the Municipality's publicly accessible Internet site and in at least five conspicuous places in the municipality; or

(c) such other method permitted by regulation.

5. Notwithstanding clause 4(a), where the Mayor determines that there is an emergency, a virtual meeting may be conducted without notice or with such notice as is possible in the circumstances.

**Clerk May Require Virtual Meeting**

6. The Clerk may require the meeting to be a virtual meeting if each Member and the Municipality have electronic equipment available that will:

(a) enable the public to see and hear each Member participate in the virtual meeting ;  
and

(b) enable each Member to see and hear every other Member participating in the virtual meeting.

**One or more Council members attend by videoconference**

7. Members must attend in-person Council meetings unless:

(a) section 6 applies; or,

(b) if approved by the Clerk under section 8, one or more Members may appear at a virtual meeting .

8. Subject to the other provisions of this Schedule, the Clerk may grant permission to a Member to be a virtual participate in a meeting, or part of a meeting, if:

(a) prior to the meeting, the Member provides written notice to the Clerk indicating that the Member wishes to be a virtual participant;

(b) the Member has electronic equipment available that will:

(i) enable the public to see and hear the Member participate in the meeting;  
and

(ii) enable the Member to see and hear each of the virtual and in-person Members who are attending the meeting;

(c) the Municipality has electronic equipment available that will:

(i) enable the public to see and hear the Member participate in the meeting;  
and

(ii) enable every virtual and in-person Member to see and hear all other Members attending the meeting.

9. A Member that is a virtual participant in a meeting is deemed to be:

(a) present at those parts of the meeting in which a Member is permitted to be a virtual participant under this Appendix; and

(b) absent for any parts of the meeting in which Member is not permitted to be a virtual participant under this Appendix.

#### **Technological problems - failure to connect or disconnection**

10. If technological problems prevent a Member from participating in a meeting prior to the meeting commencing, the Member shall be marked absent from the meeting until the time of their arrival.

11. If a Member becomes disconnected from the meeting due to technical problems or other reasons, the Minutes shall reflect that the Member left the meeting at the time of the disconnection.

### **SCHEDULE 9**

#### **VIRTUAL PUBLIC ENGAGEMENT**

##### **Interpretation**

1. In this Schedule,

(a) “alternative public engagement” means public engagement facilitated through one, or a combination of, the following means: written correspondence, the internet including an on-line survey, or virtual meetings; and

(b) “policy” means a resolution of the Council that is required, pursuant to the *Halifax Regional Municipality Charter*, to be recorded in the by-law records of the Municipality and includes an Administrative Order.

##### **Application**

2. This Schedule does not apply to a virtual public hearing or a virtual appeal hearing by the Council and a Community Council.

3. A virtual meeting must comply with Appendix C of this Administrative Order.

4. This Schedule shall not apply to that portion of the public engagement or public meeting that is required by a municipal planning strategy, by-law, or development agreement to be held in-person.

##### **Virtual Meetings**

5. (1) Notwithstanding any other policy of Council,

(a) a public meeting required by a public participation program adopted by Council under section 219 or 219A of the *Halifax Regional Municipality Charter* may be virtual;

(b) a public meeting required for the purpose of gathering feedback on a planning application may be virtual;

(c) a public meeting required by the 1997 Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments may be virtual; and

(d) a meeting of a Planning Advisory Committee, Joint Planning Advisory Committee, Area Planning Committee or Public Participation Committee may be virtual.

(2) If a virtual public meeting or virtual meeting under subsection 1 is held such meeting shall be in place of and in full satisfaction of in-person meetings.

#### **Alternative Public Engagement**

6. (1) Notwithstanding any other policy of Council,

(a) a public participation program adopted by Council under section 219 or 219A of the *Halifax Regional Municipality Charter* may be comprised of, wholly or in part, alternative public engagement; and

(b) a public engagement required for the purpose of gathering feedback on a planning application may be comprised of, wholly or in part, alternative public engagement.

(2) If public engagement is held through alternative public engagement, such engagement shall be in place of and in full satisfaction of in-person public engagement.

#### **Determination**

7. (1) The CAO or designate may, in consultation with the Clerk, determine whether a meeting, public meeting, or public engagement under section 5 or 6 is to be held in-person, virtual, or through alternative public engagement at the time the relevant notification is published.

(2) Once a meeting, public meeting, or public engagement has been advertised to be:

(a) virtual or held as alternative public engagement; or

(b) held in-person;

the method may not be changed unless directed by the CAO or designate, and re-advertised.

(3) Subsection 2 shall not apply if subsection 3B(4) of the *Covid-19 Administrative Order* applies.

**ADMINISTRATIVE ORDER NUMBER 2020-009-ADM  
RESPECTING COVID-19**

**Interpretation**

2. In this Administrative Order,

(b) “alternative public engagement” means public engagement facilitated through one, or a combination of, the following means: written correspondence, the internet, telephone, or meetings held virtually;

(aa) “grant” includes rent subsidies, property tax exemptions, less than market value property sales and leases, annual cash grants, and allocations from the Marketing Levy Special Event Reserve and Community and Events Reserve;

(ab) ~~“Order” means the Order of the Chief Medical Officer of Health under section 32 of the Health Protection Act, S.N.S. 2004, c. 4, as amended from time to time;~~ **Repeal**

(b) “policy” means a resolution of the Council that is required, pursuant to the *Halifax Regional Municipality Charter*, to be recorded in the by-law records of the Municipality and includes an Administrative Order and the Terms of Reference for the HRM Grants Committee;

(c) “reserve” means a reserve as defined by clause 3(c) of the *Financial Reserves Administrative Order*, and

(d) ~~“virtually” means appearing by video, by telephone, or by a combination of video and telephone~~ **Repeal**.

**Application**

3 Notwithstanding any other policy of Council, a

(a) grant may be allocated or awarded by Council without the HRM Grants Committee or HRM Special Events Advisory Committee reviewing, evaluating, or recommending the grant;

(b) grant may be allocated or awarded by Chief Administrative Officer without a peer jury reviewing, evaluating, or recommending the grant; and

(c) withdrawal from a reserve may be authorized by Council without the Audit and Finance Standing Committee reviewing and making a recommending on the impact to the Reserve.

**Public Hearings**

3A. ~~In accordance with section 1 of Appendix A of Administrative Order One, the Procedures of the Council Administrative Order, the Rules for the conduct of a virtual public hearing by the Council and a Community Council are stated in Schedule 1 to this Administrative Order.~~ **Repeal**

3B. (1) ~~Notwithstanding any other policy of Council,~~

~~(a) a public meeting required by a public participation program adopted by Council pursuant to section 219 or 219A of the Halifax Regional Municipality Charter may be held virtually;~~

~~(b) a public participation program adopted by Council pursuant to section 219 or 219A of the Halifax Regional Municipality Charter may be comprised of, wholly or in part, alternative public engagement;~~

~~(c) a public meeting required by the 1997 Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments may be held virtually;~~

~~(d) a public meeting required for the purpose of gathering feedback on a planning application may be held virtually;~~

~~(e) — public engagement required for the purpose of gathering feedback on a planning application may be comprised of, wholly or in part, alternative public engagement; and~~

~~(f) — a meeting of a Planning Advisory Committee, Joint Planning Advisory Committee, Area Planning Committee or Public Participation Committee may be held virtually. Repeal~~

~~(2) If~~

~~(a) — a public meeting under 3B(1)(a), (c) or (d); or~~

~~(b) — a meeting under 3B(1)(f);~~

~~is held virtually under subsection 1, such meeting shall be in place of and in full satisfaction of in person meetings. Repeal~~

~~(3) If public engagement under 3B(1)(b) or (e) is held through alternative public engagement, such engagement shall be in place of and in full satisfaction of in person public engagement. Repeal~~

(4) Notwithstanding section 4, if a meeting or public engagement has started to be held virtually or through alternative public engagement under subsection 1 **before it was repealed**, but has not been completed before this Administrative Order terminates, such meeting shall continue to be held virtually and such engagement shall continue to be held through alternative public engagement.

~~(5) This section shall not apply to that portion of the public engagement or public meeting that is required by a municipal planning strategy, by law, or development agreement to be held in person. Repeal~~

### Transition

3C. ~~(1) — The Chief Administrative Officer, in consultation with the Municipal Clerk, may determine whether a public hearing by the Council and a Community Council is to be virtual, in accordance with section 3A, or in person in accordance with Appendix A of Administrative Order One, at the time the first notification is published.~~

~~(2) — The Chief Administrative Officer, in consultation with the Municipal Clerk, may determine whether a meeting, public meeting, or public engagement under section 3B is to be held in person or virtually and through alternative public engagement at the time the relevant notification is published.~~

~~(3) — In making a determination under subsections 3C(1) and 3C(2), the Chief Administrative Officer shall consider:~~

~~(a) — the relevant gathering limit as set out in the Order;~~

~~(c) — the number of members of Council and municipal staff required to be present for the public hearing, meeting, public meeting, or public engagement;~~

~~(d) — the size and nature of the space at which the public hearing, meeting, public meeting or public engagement will be held;~~

~~(e) — other matters being heard on the same meeting agenda; and~~

~~(f) — any information available on the number of members of the public anticipated to attend the public hearing, meeting, public meeting or public engagement.~~

~~(3) — Once a public hearing, meeting, public meeting or public engagement has been advertised to be held virtually or as alternative public engagement, the method may not be changed, unless otherwise directed by Council and re-advertised.~~

~~(4) Once a public hearing, meeting, public meeting or public engagement has been advertised to be held in person, the method may be changed to be held virtually or as alternative public engagement in response to a change in the Order if the public hearing, meeting, public meeting or public engagement is re-advertised. Repeal~~

**Termination Date**

4. Subject to subsection 3B(4), this Administrative Order terminates on the earlier of
  - (a) the date and time determined by Council, by resolution; or
  - (b) at 11:59 pm on March 31<sup>st</sup>, 2022.

**Schedule**

5. ~~A Schedule attached hereto shall form part of this Administrative Order. Repeal~~

**SCHEDULE 1 Repeal**  
**RULES FOR PUBLIC HEARING DURING COVID-19**

Application

~~1. These Rules shall apply equally to a public hearing conducted by the Council and a Community Council that is to be held virtually in accordance with Administrative Order 2020-009-ADM.~~

Advertising Public Hearing

~~2. (1) A public hearing at the Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Council.~~

~~(2) A public hearing at a Community Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Community Council.~~

~~(3) Advertisements shall only be placed for the first date of a public hearing and shall state that if the public hearing cannot be concluded at the advertised date, it will continue on a date determined by the Council or the Community Council at the public hearing.~~

~~(4) The advertisements must indicate the date and time by which a person needs to:~~

~~(a) contact the Office of the Clerk, and the information that must be provided to the Office of the Clerk, to be added to the Speaker's List; and~~

~~(b) provide written submissions to the Office of the Clerk to be distributed.~~

Location

~~3. Public hearings will be held virtually.~~

Written Submissions

~~4. (1) A person who wishes to provide a written submission in respect of any matter which is the subject matter of a public hearing shall direct the submission to the Office of the Clerk.~~

~~(2) Submissions shall be received in the Office of the Clerk no later than the date and time indicated in the advertisements under subsection 2(4) of this Schedule.~~

~~(3) The Clerk shall distribute to the Council all submissions received by the date and time indicated in the advertisements under subsection 2(4) of this Schedule.~~

Speakers' List

~~5. (1) A Speakers' List will be prepared by the Office of the Clerk.~~

~~(2) A person wishing to speak at a public hearing shall provide to the Office of the Clerk their name, community of residence, and any other information required in the advertisement under subsection 2(4) of this Schedule.~~

~~(3) If a speaker represents a group, they shall indicate the name of the group they represent both on the Speakers' List and when they address the Council or the Community Council during the public hearing.~~

~~(4) A person who provides the required information within the date and time indicated in the advertisements will be added to the Speaker's List.~~

Before Public Hearing Opened

~~6. Before the public hearing is opened:~~

~~(a) the Presiding Officer shall ask staff for a presentation;~~

~~(b) staff shall then be given an opportunity to virtually provide an explanation of the matter being considered and the staff recommendation to the Council or the Community Council; and~~

~~(c) following the staff presentation, if any, Members may ask staff questions of clarification only.~~

### Opening of Public Hearing

7. ~~(1) The public hearing shall then be opened and:~~

~~(a) the applicant, or designate, shall be invited to address the Council or the Community Council and if the applicant, or designate, decides to speak, they shall be given ten (10) minutes to present their proposal; and~~

~~(b) after the applicant, or designate, presents the proposal, the Members may ask the applicant questions of clarification and the applicant, or designate, shall respond to such questions.~~

~~(2) The applicant, or designate, may only address the Council or the Community Council virtually.~~

~~(3) If the applicant, or designate, has previously provided an electronic presentation to the Office of the Clerk, in a format acceptable to the Clerk, staff will display the presentation and the applicant, or designate, will provide all the commentary on it and staff will advance the presentation to the next slide when requested to do so.~~

### Explanation of Speaking Rules

8. ~~The Presiding Officer shall then explain speaking rules as set out in section 9.~~

9. ~~Each speaker shall~~

~~(a) be given five (5) minutes to address the topic;~~

~~(b) be required to state their name, and the name of the community in which they reside;~~

~~(c) keep their comments respectful, on topic and directed at the Presiding Officer; and~~

~~(d) not debate points of view expressed by other speakers.~~

10. ~~During a public hearing:~~

~~(a) the Clerk may, upon receiving a request, advise members of the public where they appear on the Speakers' List;~~

~~(b) the Clerk may notify the Council if the connection is lost with a speaker and attempt to reconnect with them and, if unsuccessful, Council or the Community Council may move on to the next speaker;~~

~~(c) at the discretion of the Presiding Officer, the Council or Community Council may take a recess every hour; and~~

~~(d) no applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned.~~

### Calling Speakers

11. ~~The Presiding Officer shall then call the speakers in the order on the Speakers' List, and if:~~

~~(a) a person is not virtually present when their name is called, they will be given an opportunity to speak after everyone on the Speaker's List has been called; or~~

~~(b) a speaker has been disconnected and the attempt to reconnect was unsuccessful, they will be given an opportunity to speak for the remainder of their 5 minutes after everyone on the Speaker's List has been called.~~

12. ~~If it is necessary to adjourn the public hearing to another date, the Presiding Officer shall direct those on the Speaker's List at the initial advertised date who did not have the opportunity to be heard and still wish to address the Council to speak to the Clerk.~~

~~13. At the continuation of a public hearing on a second or subsequent date:-~~

~~(a) only those whose names are on the Speakers' List and were not heard at the initial advertised date shall be permitted to speak; and~~

~~(b) there shall be no substitution of names permitted.-~~

~~14. After all the people have spoken, the Presiding Officer shall invite the applicant or designate to virtually respond to the points raised by the speakers, and if the applicant or designate, decides to speak, they shall be given five (5) minutes to speak.-~~

#### Close of Public Hearing

~~15. The Presiding Officer shall then ask for a motion to close the public hearing and no further speakers shall be heard.-~~

~~16. Following the close of the public hearing, the Clerk shall record in the Minutes those who spoke at the hearing.-~~

~~17. Staff will be provided an opportunity to briefly respond to points raised by the speakers.-~~

~~18. Members may request clarification of staff respecting matters raised during the public hearing.-~~

#### Role of Council During Public Hearing

~~19. (1) The role of the Council or Community Council at a public hearing is to listen to the public.-~~

~~(2) Members shall not debate nor challenge the comments being offered by the speaker.-~~

~~(3) Following a speaker's presentation, Members may ask questions of the speaker, seeking clarification of the points they raised.-~~

~~(4) Members shall not enter into dialogue with the public during the Public Hearing.-~~

#### Voting

~~20. Only Members present for the entire staff presentation and public hearing shall be permitted to vote.-~~

~~21. Notwithstanding section 20, only Members present during the entire debate following the close of the public hearing, including during any clarification by staff, the developer or Members of the public, shall be permitted to vote respecting-~~

~~(a) the adoption or amendment to a Municipal Planning Strategy or Land Use By-law;-~~

~~(b) an appeal of a site plan or variance;-~~

~~(c) a registration or de-registration of heritage property; and-~~

~~(d) the sale of property at less than market value.-~~

**ATTACHMENT 2  
(Amending Administrative Order)**

**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER ONE  
RESPECTING THE PROCEDURES OF THE COUNCIL  
  
ADMINISTRATIVE ORDER NUMBER 2020-009-ADM  
RESPECTING COVID-19**

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality that Administrative Order One, the *Procedure of the Council Administrative Order*, and Administrative Order 2020-009-ADM, the *Covid-19 Administrative Order*, are amended, as follows:

1. The Table of Contents of the *Procedure of the Council Administrative Order* is amended by:

(a) adding the following after “Consent Agenda...41” and before “PUBLIC INPUT”:

**PROCEDURES FOR VIRTUAL MEETINGS AND PARTICIPATION**

Virtual Meeting and Virtual Participation Procedures.....41A

(b) striking out “- Quorum by Electronic Conferencing .....133” under the “MEETINGS OF COMMITTEE CONTINUED”;

(c) adding the words and hyphen “IN-PERSON” after the word “FOR” and before the word “PUBLIC” in the reference to APPENDIX A”,

(d) striking out the number “50” after “APPENDIX A – PROCEDURES FOR IN-PERSON PUBLIC HEARINGS...” and replacing it with the number “51”;

(e) adding the following after “APPENDIX A – PROCEDURES FOR IN-PERSON PUBLIC HEARINGS....51”:

**APPENDIX B – PROCEDURES FOR VIRTUAL PUBLIC HEARINGS....55**

**APPENDIX C-VIRTUAL MEETING AND VIRTUAL PARTICIPATION PROCERDURES ..59**

(f) repealing the page references for Schedules 1,2,3,4,5,6,7,and 8 under “SCHEDULES” and replacing them with the following:

- (i) for Schedule 1, 62,
- (ii) for Schedule 2, 64,
- (iii) for Schedule 3, 70,
- (iv) for Schedule 4, 74,
- (v) for Schedule 5, 76,

- (vi) for Schedule 6, 80,
- (vii) for Schedule 7, 84, and
- (viii) for Schedule 8, 88; and

(g) adding the following after Schedule 8 under “SCHEDULES”:

“Schedule 9 Virtual Public Engagement.....90”

2. Section 3 of the *Procedure of the Council Administrative Order* is amended by:

(a) adding clause (ha) after clause (h) and before clause (i), as follows:

(ha) “in-person” means a meeting where the Members are physically present in the same room;

(b) striking out the word “and” at the end of clause (l);

(c) striking out the period at the end of clause (m);

(d) adding a semi-colon and the word “and” at the end of clause (m); and

(e) adding clause (n) after clause (m) and before the header for section 4, as follows:

(n) “virtual” means appearing by video, or by a combination of video and telephone.

3. Section 5 of the *Procedure of the Council Administrative Order* is amended by striking out the word “regular” after the words “at a” and before the word “meeting”.

4. Clause 26(1)(g) of the *Procedure of the Council Administrative Order* is amended by added the words “or the meeting” after the word “Chamber” and before the semi-colon at the end of the clause.

5. Subsection 41(6) of the *Procedure of the Council Administrative Order* is amended by adding the words and hyphen “for an in-person meeting” after the word “electronically” and before the comma and word “and”.

6. Section 41A of the *Procedure of the Council Administrative Order* is added after section 41 and before the header “Public Input”, as follows:

**Virtual Meeting and Virtual Participation Procedures**

41A (1) The additional Procedures contained in Appendix “C” attached to this *Administrative Order* shall apply to the conduct of virtual meetings, and virtual participation in a meeting.

(2) A meeting is a virtual meeting if a majority of the members are virtual participants.

7. Section 42 of the *Procedure of the Council Administrative Order* is amended by:
  - (a) adding the words and hyphen “in-person” after the word “of” and before the word “Public”;
  - (b) renumbering section 42 as subsection 1 of section 42; and
  - (c) adding subsection (2) after the newly renumbered subsection (1), as follows:
    - (2) The Procedures contained in Appendix “B” attached to this *Administrative Order* shall apply to the conduct of virtual public hearings.
8. Subsection 77(2) of the *Procedure of the Council Administrative Order* is amended by:
  - (a) striking out the period at the end of the subsection;
  - (b) adding a semi-colon and the word “or” at the end of the subsection;
  - (c) lettering the words “be ordered by the Council by a majority vote to leave the Member’s seat for that meeting; or” as clause (a) of subsection 2;
  - (d) adding the words and comma “for an in-person participant” at the beginning of the newly lettered clause (a); and
  - (b) adding clause (b) after clause (a) as follows:
    - (b) for a virtual participant, be ordered by the Council by a majority vote to leave the meeting.
9. Subsection 77(3) of the *Procedure of the Council Administrative Order* is amended by:
  - (a) lettering the words and semi-colon “leave his or her seat, the Presiding Officer may order the Member removed therefrom by the police;” as clause (a) of subsection (3);
  - (b) adding clause (b) after the newly lettered clause (a) and before the word “but”, as follows:
    - (b) leave the meeting, order the Clerk to disconnect the Member;
  - (c) adding the words and comma “, or remain in or reconnect to the meeting” after the word “seat” and before the period at the end of the subsection.
10. Subsection 81(1) of the *Procedure of the Council Administrative Order* is amended by:
  - (a) striking out the words “sit down” after the word “immediately” and before the comma and word “, but”; and
  - (b) adding the words “stop speaking” after the word “immediately” and before the comma and word “, but”.
11. Subsection 84 (3) of the *Procedure of the Council Administrative Order* is added after subsection (2), as follows:

- (3) A Member that is a virtual participant that is not present shall not be entitled to vote.
12. Section 133 of the *Procedure of the Council Administrative Order* is repealed.
13. Appendix A of the *Procedure of the Council Administrative Order* is amended by:
- (a) adding the words and hyphen "IN-PERSON" after the word "FOR" and before the word "PUBLIC" in the title;
- (b) striking out the word "a" after the word "to" before the word "public" in section 1;  
and
- (c) adding words and hyphen "an in-person" after the word "to" before the word "public" in section 1.
14. Appendices B and C are added to the *Procedure of the Council Administrative Order* after Appendix A and before Schedule 1, as follows:

**APPENDIX "B"**  
**RULES FOR VIRTUAL PUBLIC HEARING**

**Application**

1. (1) These Rules shall apply equally to a virtual public hearing held by the Council and a Community Council.
- (2) The requirements for a virtual meeting are set out in Appendix C.

**Advertising Public Hearing**

2. (1) A public hearing at the Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Council.
- (2) A public hearing at a Community Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Community Council.
- (3) Advertisements shall only be placed for the first date of a public hearing and shall state that if the public hearing cannot be concluded at the advertised date, it will continue on a date determined by the Council or the Community Council at the public hearing.
- (4) The advertisements must indicate the date and time by which a person needs to:
- (a) contact the Office of the Clerk, and the information that must be provided to the Office of the Clerk, to be added to the Speaker's List; and
- (b) provide written submissions to the Office of the Clerk to be distributed.

### **Written Submissions**

3. (1) A person who wishes to provide a written submission in respect of any matter which is the subject matter of a public hearing shall direct the submission to the Office of the Clerk.

(2) Submissions shall be received in the Office of the Clerk no later than the date and time indicated in the advertisements under subsection 2(4) of this Appendix.

(3) The Clerk shall distribute to the Council all submissions received by the date and time indicated in the advertisements under subsection 2(4) of this Appendix.

### **Speakers' List**

4. (1) A Speakers' List will be prepared by the Office of the Clerk.

(2) A person wishing to speak at a public hearing shall provide to the Office of the Clerk their name, community of residence, and any other information required in the advertisement under subsection 2(4) of this Appendix.

(3) If a speaker represents a group, they shall indicate the name of the group they represent both on the Speakers' List and when they address the Council or the Community Council during the public hearing.

(4) A person who provides the required information within the date and time indicated in the advertisements will be added to the Speaker's List.

### **Before Public Hearing Opened**

5. Before the public hearing is opened:

(a) the Presiding Officer shall ask staff for a presentation;

(b) staff shall then be given an opportunity to provide an explanation of the matter being considered and the staff recommendation to the Council or the Community Council; and

(c) following the staff presentation, if any, Members may ask staff questions of clarification only.

### **Opening of Public Hearing**

6. (1) The public hearing shall then be opened and:

(a) the applicant, or designate, shall be invited to address the Council or the Community Council and if the applicant, or designate, decides to speak, they shall be given ten (10) minutes to present their proposal; and

(b) after the applicant, or designate, presents the proposal, the Members may ask the applicant questions of clarification and the applicant, or designate, shall respond to such questions.

(2) The applicant, or designate, may address the Council or the Community Council.

(3) If the applicant, or designate, has previously provided an electronic presentation to the Office of the Clerk, in a format acceptable to the Clerk, staff will display the presentation and the applicant, or designate, will provide all the commentary on it and staff will advance the presentation to the next slide when requested to do so.

#### **Explanation of Speaking Rules**

7. The Presiding Officer shall then explain speaking rules as set out in section 8.
8. Each speaker shall
  - (a) be given five (5) minutes to address the topic;
  - (b) be required to state their name, and the name of the community in which they reside;
  - (c) keep their comments respectful, on topic and directed at the Presiding Officer; and
  - (d) not debate points of view expressed by other speakers.
9. During a public hearing:
  - (a) the Clerk may, upon receiving a request, advise members of the public where they appear on the Speakers' List;
  - (b) the Clerk may notify the Council if the connection is lost with a speaker and attempt to reconnect with them and, if unsuccessful, Council or the Community Council may move on to the next speaker;
  - (c) at the discretion of the Presiding Officer, the Council or Community Council may take a recess every hour; and
  - (d) no applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned.

#### **Calling Speakers**

10. The Presiding Officer shall then call the speakers in the order on the Speakers' List, and if:
  - (a) a person is not present when their name is called, they will be given an opportunity to speak after everyone on the Speaker's List has been called; or
  - (b) a speaker has been disconnected and their attempt to reconnect was unsuccessful, they will be given an opportunity to speak for the remainder of their 5 minutes after everyone on the Speaker's List has been called.
11. If it is necessary to adjourn the public hearing to another date, the Presiding Officer shall direct those on the Speaker's List at the initial advertised date who did not have the opportunity to be heard and still wish to address the Council to speak to the Clerk.

12. At the continuation of a public hearing on a second or subsequent date:
  - (a) only those whose names are on the Speakers' List and were not heard at the initial advertised date shall be permitted to speak; and
  - (b) there shall be no substitution of names permitted.
13. After all the people have spoken, the Presiding Officer shall invite the applicant or designate to respond to the points raised by the speakers, and if the applicant or designate, decides to speak, they shall be given five (5) minutes to speak.

#### **Close of Public Hearing**

14. The Presiding Officer shall then ask for a motion to close the public hearing and no further speakers shall be heard.
15. Following the close of the public hearing, the Clerk shall record in the Minutes those who spoke at the hearing.
16. Staff will be provided an opportunity to briefly respond to points raised by the speakers.
17. Members may request clarification of staff respecting matters raised during the public hearing.

#### **Role of Council During Public Hearing**

18. (1) The role of the Council or Community Council at a public hearing is to listen to the public.
  - (2) Members shall not debate nor challenge the comments being offered by the speaker.
  - (3) Following a speaker's presentation, Members may ask questions of the speaker, seeking clarification of the points they raised.
  - (4) Members shall not enter into dialogue with the public during the Public Hearing.

#### **Voting**

19. Only Members present for the entire staff presentation and public hearing shall be permitted to vote.
20. Notwithstanding section 19, only Members present during the entire debate following the close of the public hearing, including during any clarification by staff, the developer or Members of the public, shall be permitted to vote respecting
  - (a) the adoption or amendment to a Municipal Planning Strategy or Land Use By-law;
  - (b) an appeal of a site-plan or variance;

- (c) a registration or de-registration of heritage property; and
- (d) the sale of property at less than market value.

**APPENDIX “C”  
VIRTUAL MEETING AND VIRTUAL PARTICIPATION PROCEDURES**

1. These procedural requirements are intended to complement and supplement, and not to replace, the requirements contained in

- (a) the *HRM Charter*, and
- (b) this Administrative Order.

**Interpretation**

2. In this Schedule,

(a) “meeting” means a meeting of the Council, a Community Council, or a council committee; and

(b) “Member” means a member of:

- (i) the Council, including the Mayor,
- (ii) a Community Council, or
- (iii) a Council committee.

**Public Notice**

3. A virtual meeting may be conducted if, at least two days prior to the meeting, notice is given to the public respecting the way in which the meeting is to be conducted.

4. The notice to the public referred to in section 3 of this Appendix must be given by:

- (a) publication in a newspaper circulating in the Municipality; or
- (b) posting on the Municipality’s publicly accessible Internet site and in at least five conspicuous places in the municipality; or
- (c) such other method permitted by regulation.

5. Notwithstanding clause 4(a), where the Mayor determines that there is an emergency, a virtual meeting may be conducted without notice or with such notice as is possible in the circumstances.

**Clerk May Require Virtual Meeting**

6. The Clerk may require the meeting to be a virtual meeting if each Member and the Municipality have electronic equipment available that will:

- (a) enable the public to see and hear each Member participate in the virtual meeting; and

(b) enable each Member to see and hear every other Member participating in the virtual meeting.

**One or more Council members attend by videoconference**

7. Members must attend in-person Council meetings unless:

(a) section 6 applies; or,

(b) if approved by the Clerk under section 8, one or more Members may appear at a virtual meeting .

8. Subject to the other provisions of this Schedule, the Clerk may grant permission to a Member to be a virtual participate in a meeting, or part of a meeting, if:

(a) prior to the meeting, the Member provides written notice to the Clerk indicating that the Member wishes to be a virtual participant;

(b) the Member has electronic equipment available that will:

(i) enable the public to see and hear the Member participate in the meeting; and

(ii) enable the Member to see and hear each of the virtual and in-person Members who are attending the meeting;

(c) the Municipality has electronic equipment available that will:

(i) enable the public to see and hear the Member participate in the meeting; and

(ii) enable every virtual and in-person Member to see and hear all other Members attending the meeting.

9. A Member that is a virtual participant in a meeting is deemed to be:

(a) present at those parts of the meeting in which a Member is permitted to be a virtual participant under this Appendix; and

(b) absent for any parts of the meeting in which Member is not permitted to be a virtual participant under this Appendix.

**Technological problems - failure to connect or disconnection**

10. If technological problems prevent a Member from participating in a meeting prior to the meeting commencing, the Member shall be marked absent from the meeting until the time of their arrival.

11. If a Member becomes disconnected from the meeting due to technical problems

or other reasons, the Minutes shall reflect that the Member left the meeting at the time of the disconnection.

15. Schedule 9 is added to the *Procedure of the Council Administrative Order* after Schedule 8, as follows:

## **SCHEDULE 9**

### **VIRTUAL PUBLIC ENGAGEMENT**

#### **Interpretation**

1. In this Schedule,

(a) “alternative public engagement” means public engagement facilitated through one, or a combination of, the following means: written correspondence, the internet including an on-line survey, or virtual meetings; and

(b) “policy” means a resolution of the Council that is required, pursuant to the *Halifax Regional Municipality Charter*, to be recorded in the by-law records of the Municipality and includes an Administrative Order.

#### **Application**

2. This Schedule does not apply to a virtual public hearing or a virtual appeal hearing by the Council and a Community Council.

3. A virtual meeting must comply with Appendix C of this Administrative Order.

4. This Schedule shall not apply to that portion of the public engagement or public meeting that is required by a municipal planning strategy, by-law, or development agreement to be held in-person.

#### **Virtual Meetings**

5. (1) Notwithstanding any other policy of Council,

(a) a public meeting required by a public participation program adopted by Council under section 219 or 219A of the *Halifax Regional Municipality Charter* may be virtual;

(b) a public meeting required for the purpose of gathering feedback on a planning application may be virtual;

(c) a public meeting required by the 1997 Resolution Regarding a Public Participation Program for Municipal Planning Strategy Amendments may be virtual; and

(d) a meeting of a Planning Advisory Committee, Joint Planning Advisory Committee, Area Planning Committee or Public Participation Committee may be virtual.

(2) If a virtual public meeting or virtual meeting under subsection 1 is held such meeting shall be in place of and in full satisfaction of in-person meetings.

**Alternative Public Engagement**

6. (1) Notwithstanding any other policy of Council,

(a) a public participation program adopted by Council under section 219 or 219A of the *Halifax Regional Municipality Charter* may be comprised of, wholly or in part, alternative public engagement; and

(b) a public engagement required for the purpose of gathering feedback on a planning application may be comprised of, wholly or in part, alternative public engagement.

(2) If public engagement is held through alternative public engagement, such engagement shall be in place of and in full satisfaction of in-person public engagement.

**Determination**

7. (1) The CAO or designate may, in consultation with the Clerk, determine whether a meeting, public meeting, or public engagement under section 5 or 6 is to be held in-person, virtual, or through alternative public engagement at the time the relevant notification is published.

(2) Once a meeting, public meeting, or public engagement has been advertised to be:

(a) virtual or held as alternative public engagement; or

(b) held in-person;

the method may not be changed unless directed by the CAO or designate, and re-advertised.

(3) Subsection 2 shall not apply if subsection 3B(4) of the *Covid-19 Administrative Order* applies.

16. Administrative Order 2020-009-ADM, the *COVID-19 Administrative Order*, is amended by:

(a) repealing clauses 2(ab) and (d);

(b) repealing sections 3A, 3C, and 5;

(c) repealing subsections 3B (1), (2), (3), and (5);

(d) adding the words “before it was repealed” after the word and number “subsection 1” and before the comma and word “but”; and

(e) repealing Schedule 1.

Done and passed in Council this      day of                      A.D. 2022.

---

Mayor

---

Municipal Clerk