



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

Item No. 15.3.1
Halifax Regional Council
January 10, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Commissioner Lindell Smith, Chair, Board of Police Commissioners

DATE: December 15, 2022

SUBJECT: **Funding of Ad Hoc Independent Legal Counsel**

ORIGIN

December 14, 2022 meeting of Board of Police Commissioners, Item 10.3.1.

LEGISLATIVE AUTHORITY

Police Act, S.N.S. 2004, c. 31, ss. 48 & 55(1)

48 A board may contract and may sue and be sued in its own name, and the members of the board are not personally liable under any contract made by the board. 2004, c. 31, s. 48.

55 (1) The function of a board is to provide

(a) civilian governance on behalf of the council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the municipality; and

(b) the administrative direction, organization and policy required to maintain an adequate, effective and efficient police department,

....

RECOMMENDATION

The Board of Police Commissioners recommends that Halifax Regional Council include in its 2023-2024 Operating Budget such funding as might reasonably be required by the Board for the purpose of its acquisition, from time-to-time, of such independent legal advice and counsel as it may deem necessary, to a maximum of \$100,000 annually, unless otherwise increased by Halifax Regional Council on an ad hoc basis, in keeping with the Board's motion on independent legal counsel dated April 19, 2021 and as recommended in the April 19, 2021 Staff Report to the Board on the same subject.

BACKGROUND

The Board of Police Commissioners received a Request for Consideration form from Commissioner Giles dated December 14, 2022 to consider recommending that Halifax Regional Council include in its 2023-2024 Operating Budget funding for the Board of the Police Commissioners to acquire independent legal advice and counsel to a maximum of \$100,000 annually.

For further information refer to the attached Request for Consideration form dated December 14, 2022.

DISCUSSION

The Board of Police Commissioners considered the Request for Consideration form from Commissioner Giles dated December 14, 2022 and approved the recommendation to Regional Council as outlined in this Request for Consideration form. The Board highlighted the benefit of having the funding, and noted it should be integrated within the Board's mandate, leaving the Board responsible for the allocation of money and allow the Board to act more efficiently.

FINANCIAL IMPLICATIONS

No financial implications were identified.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

The Board of Police Commissioners is comprised of four citizen members and three Councillors. The agenda, reports, and minutes of the Board are posted on Halifax.ca.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

The Board of Police Commissioners did not provide alternatives.

ATTACHMENTS

Attachment 1 – Request for Consideration form dated December 14, 2022.

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: Andrea Lovasi-Wood, Legislative Assistant, Municipal Clerk's Office 902.240.7164



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

Item No. 10.3.1

Request for Board of Police Commissioners Consideration

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Agenda Item (Submitted to Municipal Clerk's Office by Noon at least 5 working days prior to the meeting) | <input type="checkbox"/> Added Item (Submitted to Municipal Clerk's Office by Noon at least one working day prior to meeting) | <input type="checkbox"/> Request from the Floor |
|--|---|--|

Date of Meeting: December 14, 2022

Subject: Funding of Ad Hoc Independent Legal Counsel

Motion for Board of Police Commissioners to Consider:

Whereas the Board at its meeting on April 19th, 2021 considered the advisability of occasional access to independent legal counsel in addition to, or as alternative to, advice provided by legal staff of the Halifax Regional Municipality

And Whereas the Board, having considered the matter, passed the following motion authorizing the retention of independent counsel on an ad hoc basis:

MOVED by Commissioner Kent, seconded by Commissioner McDougall

THAT the Board of Police Commissioners endorse the use of occasional ad hoc independent legal advice as required, by way of a motion at a meeting where the need arises. This may be requested of either the Municipal Solicitor, CAO or Regional Council depending on the need for funding and/or budget approval.

MOTION PUT AND PASSED

And Whereas the Board would like to contract directly for the ad hoc retention of independent legal counsel as authorized by s.48 of the Police Act and establish certainty in the source of funding for the such retention through inclusion of provision for the same within its operating budget

Upon Motion,

That the Board of Police Commissioners request, Halifax Regional Council include in its 2023-2024 Operating Budget such funding as might reasonably be required by the Board for the purpose of its acquisition, from time-to-time, of such independent legal advice and counsel as it may deem necessary, to a maximum of \$100,000 annually, unless otherwise increased by Halifax Regional Council on an ad hoc basis, in keeping with the Board's motion on independent legal counsel dated April 19th, 2021 and as recommended in the April 19th, 2021 Staff Report to the Board on the same subject.

Reason:

At its meeting on April 19th, 2021, the Board considered the issue of having access to independent legal advice through the retention of counsel external to the Legal Services group of the Municipality and passed a motion authorizing the retention of independent counsel from time to time on a case by case basis as the Board deems appropriate. The motion provided for requests for such counsel, including funding, to be made to either the Municipal Solicitor, the CAO, or Regional Council without further specifics as to process. The Board has the authority to contract directly for such services. This motion would request Regional Council to make provision for established funding for this purpose in its 2023-2024 Operating Budget.

Outcome Sought:

Adoption of motion by the Board and request made of Regional Council for established funding from the 2023-2024 Operating Budget.

Commissioner Giles