

HALIFAX

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Halifax, Nova Scotia
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Item No. 15.1.4
Halifax Regional Council
May 17, 2022

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: May 2, 2022

SUBJECT: Otter Lake Community Monitoring Committee – 2022/2023 Funding

ORIGIN

April 5, 2022, meeting of Halifax Regional Council, item 15.1.7:

MOVED by Councillor Lovelace, seconded by Councillor Kent

THAT Halifax Regional Council direct the Chief Administrative Officer to:

1. Request the Halifax Waste/Resource Society to work with HRM staff to develop mutually agreeable policies and protocols, and/or amendments to the 1999 Community Monitoring Agreement, to address the financial, administrative and governance concerns identified in the staff report dated March 8, 2022, as amended; and
2. Notify the Community Monitoring Committee in writing that the Municipality plans to allocate the Committee \$42,500 in total funding for the 2022-2023 fiscal year, rather than the requested amount of \$90,000, on the basis that the Municipality does not intend to fund legal expenses of the Committee nor the salary of an Executive Director.

MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39:

Purposes of Municipality

7A The purposes of the Municipality are to

- (a) provide good government;
- (b) provide services, facilities, and other things that, in the opinion of the Council, are necessary

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or desirable for all or part of the Municipality; and
(c) develop and maintain safe and viable communities.

Municipal expenditures

- 79A (1) Subject to subsections (2) to (4), the Municipality may only spend money for municipal purposes if
- (a) the expenditure is included in the Municipality's operating budget or capital budget or is otherwise authorized by the Municipality;
 - (b) the expenditure is in respect of an emergency under the Emergency Management Act; or
 - (c) the expenditure is legally required to be paid.

RECOMMENDATION

That Halifax Regional Council allocate the Otter Lake Community Monitoring Committee with \$42,500 in total funding for the 2022-2023 fiscal year, for the purposes of administrative, social media, communications, and environmental consulting expenditures only.

BACKGROUND

This report is supplementary to the staff report dated March 8, 2022 which was before Halifax Regional Council on April 5, 2022 (<https://cdn.halifax.ca/sites/default/files/documents/city-hall/regional-council/220405rc1517.pdf>). At that meeting, Halifax Regional Council passed a resolution to notify the Community Monitoring Committee (CMC) that the Municipality proposes to allocate the CMC with less funding than requested for the 2022-2023 fiscal year.

Articles 9.04 to 9.06 of the 1999 Community Monitoring Agreement set out the process for determining the CMC's annual funding allocation (see **Attachment A**). HRM is not obligated to approve the allocation requested by the CMC; however, HRM must provide the CMC with written notice of its intent to do otherwise and provide the Chair of the CMC with the opportunity to appear before Council, no sooner than 10 days following the notice, for the purpose of commenting on the proposed allocation. HRM staff provided this notice to both the Chair and the Executive Director of the CMC on April 6, 2022 and invited the Chair to make written and/or oral submissions to Council. The Executive Director of the CMC responded on April 15, 2022 that the CMC Chair would indeed like to comment on the proposed allocation at Regional Council prior to any final decision being rendered.

The Recommendation section of this report includes a proposed motion for Halifax Regional Council's consideration, should it wish to proceed with its previously stated intention to allocate the Community Monitoring Committee \$42,500 in total funding for the 2022-2023 fiscal year rather than the requested amount of \$90,000.

DISCUSSION

The CMC's requested funding allocation for 2022-2023 is:

Table 1:

Category	Amount	Percentage
Administration (including Executive Director's salary)	\$45,000	50%
Social Media Technician	\$9,000	10%
Communications Consultant	\$12,000	13%
Legal Services	\$10,000	11%
Environmental Consultant Services	\$14,000	16%
Total	\$90,000	100%

Regional Council's proposed allocation of \$42,500 instead of \$90,000 is based on a \$37,500 reduction in Administration costs (i.e. the Executive Director's salary) and the elimination of funding for Legal Services. If approved by Regional Council, the CMC's funding allocation for 2022-2023 would be as follows:

Table 2:

Category	Amount	Percentage
Administration	\$7,500	18%
Social Media Technician	\$9,000	21%
Communications Consultant	\$12,000	28%
Environmental Consultant Services	\$14,000	33%
Total	\$42,500	100%

Regional Council should consider that some expenditures have likely already been incurred on behalf of the CMC in the 2022-2023 fiscal year (including the ~\$3,000 monthly salary of the Executive Director). Invoices for April and May 2022 had not been received at the time this report was drafted. It is expected that the Chair of the CMC will advise of any such expenditures already incurred, along with any additional concerns of the CMC related to the proposed reduction of funding.

FINANCIAL IMPLICATIONS

The requested amount of \$90,000 is included in the approved HRM solid waste budget for 2022-2023. Should Regional Council choose to allocate the CMC an amount less than \$90,000, the surplus funds would be allocated and reported in the Public Works 2022-23 year-end financial position.

RISK CONSIDERATION

No risk considerations were identified.

COMMUNITY ENGAGEMENT

The Chair of the CMC was provided with written notice of the proposed funding allocation in accordance with Article 9.06 of the 1999 Community Monitoring Agreement.

ENVIRONMENTAL IMPLICATIONS

Ongoing community monitoring of the Otter Lake Solid Waste Management Facilities is a condition of the operating approval issued by the Minister of Environment.

ALTERNATIVES

Regional Council could choose to allocate the Community Monitoring Committee with funding for the 2022-2023 fiscal year in an amount other than \$42,500.

ATTACHMENTS

- A) Sections 9.04 to 9.06 of the 1999 Community Monitoring Agreement
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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: Colin Taylor, Senior Solicitor, Legal & Legislative Services 902.490.4655

Attachment A – Relevant Provisions of 1999 Community Monitoring Agreement

- 9.04 Effective for each HRM fiscal year after March 31, 2000 during which the Facilities are operated HRM shall include, as part of its annual budget for solid waste management, an allocation of funds in such amount as HRM, acting reasonably, considers appropriate for the purpose of meeting the following categories of expenses of the Committee:
- (a) occupancy costs, including space, office equipment and supplies, telephone, etc.;
 - (b) part-time administrative and clerical support;
 - (c) postage;
 - (d) advertising (including printing of public notices and materials for community distribution);
 - (e) expenses relating to the holding of public meetings;
 - (f) professional fees for services and advice on matters within the mandate of the Committee under this agreement, including engineering and other technical matters related to the operation of the Facilities;
 - (g) miscellaneous expenses, including reimbursement of out of pocket expenses incurred by members of the Committee and other expenses required to be incurred to enable the Committee to fulfil its responsibilities under this Agreement.
- 9.05 The Committee shall, not later than January 31 of each HRM fiscal year after the fiscal year ending March 31, 2000, prepare and submit to HRM an estimate of expenditures required to be incurred in support of the Committee's activities in the next following fiscal year. HRM shall take into account the estimate in deciding pursuant to Article 9.04, on the allocation of funds to be made for the activities of the Committee during that fiscal year.
- 9.06 Where, following review of the estimate of expenditures submitted by the Committee under Article 9.05, HRM proposes to allocate an amount for any fiscal year which is less than the total amount estimated by the Committee under Article 9.05, HRM shall, before finally deciding on the amount to be allocated:
- (a) notify the Committee in writing of the amount proposed to be allocated and of the reasons for the proposed allocation; and
 - (b) provide to the Chair of the Committee the opportunity to appear before the HRM Council, not sooner than ten days (10) days following the notice referred to in (a), for the purpose of commenting on the proposed allocation.

In the event that, following completion of the procedure referred to in this Article 9.06, the final decision of HRM is to allocate for the fiscal year in question an amount less than the total amount estimated by the Committee under Article 9.05, HRM shall forthwith notify the Committee in writing of the reasons for that decision.