

Presentation to Law Amendments Committee  
Bill 137, An Act to Amend Halifax Regional Municipality Charter  
April 11, 2022

Good morning, and thank you for this opportunity to address the Law Amendments Committee. I've sat here many times before, but never as a citizen in the 16 years since I retired from the House, so this is a new experience for me.

First, I'd like to offer my congratulations on these amendments to the Halifax Regional Municipality Charter. Since HRM was created in 1995, most significant amendments to its governing legislation have been made at HRM's own request and increasing HRM autonomy so it is good to see the Province taking a leadership role.

HRM is like any other city, town, village or municipality in NS. It's a creature of the provincial government, and so the Province has an ongoing role and responsibility.

But HRM is different from other municipalities, on one major front— its size. It takes in a large part of the province's landmass, and holds about 43% of its population.

Among other things, this bill tightens up requirements for public notice on HRM planning and development decisions.

The days when everybody reads the same newspaper are long gone, but there still has to be one place where the public can rely on finding notice of proposed bylaws and changes. Not everyone has access to internet services and can use them, so I would like to see these amendments requiring at least one other way to publish notice: maybe by radio public service announcement, by mail, or posting in specified locations and community centres.

Some have commented that this bill may take away public participation. I want to be very clear that I'm never in favour of lessening public participation. But HRM's public engagement has been getting less and less representative over the years.

It doesn't matter how many consultations take place, if none of them give the public a real voice.

HRM's methodology for assessing public opinion is increasingly mechanized. Often it seems clinically designed to reach pre-determined conclusions. Many people are simply refusing to participate in manufactured consensus exercises.

I have a concern about Clause 9 allowing development officers to approve "non-substantive" amendments without public hearing unless "non-substantive" is defined by the Legislature.

My real interest is in Clause 13. For at least three years, Council will not be able to postpone decisions after recommendations from community councils or advisory committees.

We all have seen Council ignore recommendations when it's convenient. This clause increases speed, but it also increases transparency and accountability, and reinforces the fact that Regional Council is responsible for its own decisions.

I recommend adding Halifax Water to the list in Clause 13, so Council can't cite a need for the Water Commissioners' recommendation before adopting planning documents.

Why should Council take responsibility for Halifax Water decisions?

Under the Halifax Regional Water Commission Act, Council directly appoints all 7 voting members of the Commission, and can include up to 4 Councillors among them. The CAO appoints a nonvoting staff member as well.<sup>1</sup> Until 2016, the Act actually required the Mayor and three Councillors to sit on the Commission.

Halifax Water is wholly owned by HRM<sup>2</sup>, and HRM is entitled to all of the Commission's assets on winding up. Council can wind up Halifax Water any time it wants, subject to Cabinet approval.<sup>3</sup>

But HRM also takes millions of dollars out of Halifax Water every year, and it shows up in the Halifax Water budget as an expense. As an expense, it's buried in the bill for every Halifax Water user, and in the rent for every apartment rented with utilities included.

This year, Halifax Water will pay HRM \$6.8 million as its "dividend/grant in lieu of taxes".<sup>4</sup> If you call it a dividend, it's a dividend to the sole shareholder, and if you call it a grant in lieu of taxes, it's HRM taxing itself on its own assets. Whatever you call it, that \$6.8 million inflates every Halifax Water bill, and it increases the cost of renting in Halifax.

The HRWC Act requires Halifax Water to submit its business plan to Council for approval every year.<sup>5</sup> That business plan includes the Halifax Water budget.

Council controls Halifax Water no less than it controls community councils. The big difference is that Halifax Water meetings were closed to the public until 2021, and even now, Halifax Water allows public participation only once a year, at its AGM.

Speaking from experience, my wife and I have watched HRM using Halifax Water for deniability over a long period of time. In 2014, while HRM was a party in litigation, it even went so far as seeing Halifax Water accept a deed which contained erroneous information and wrongly presupposed the outcome of that litigation.

That deed was signed by the vice-chair of the Water Commission, while he was a sitting senior member of Regional Council and a member of Council executive. It was a classic example of HRM's left hand pretending not to know what the right hand was doing.

In closing, Mr Chair, I believe that adding Halifax Water to Clause 13 would help keep HRM accountable, and stop Council from shifting responsibility for its decisions onto recommendations from another, Council-controlled municipal body. This would increase transparency, accountability and efficiency in HRM government.

Thank you.

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### **1 *Halifax Regional Water Commission Act:***

**4 (1)** The Commission Board consists of

- (a) seven residents of the Regional Municipality, up to four of whom may be members of the Council, appointed by the Council;
- (b) repealed 2016, c. 23, s. 4.
- (c) repealed 2016, c. 23, s. 4.
- (d) one member of the Regional Municipality staff, appointed by the Chief Administrative Officer of the Regional Municipality, who shall be a non-voting member of the Commission Board.

### **2 *Halifax Regional Water Commission Act:***

**6** The Regional Municipality is the owner of the business of the Commission for all purposes, including surplus payments as provided for herein and entitlement to the assets of the Commission in the event of dissolution or winding down of the Commission. 2007, c. 55, s. 6; 2016, c. 23, s. 6.

### **3 *Halifax Regional Water Commission Act:***

**3A (1)** Subject to the approval of the Governor in Council, the Council may by resolution direct the wind-up and dissolution of the Commission

**(2)** For the purpose of the Companies Winding Up Act, anything that is to be done by resolution, extraordinary resolution or special resolution of the Commission may be done by resolution of the Council. 2016, c. 23, s. 3.

### **4. *Halifax Water Business Plan 2022/23 page 64***

[https://halifaxwater.ca/sites/default/files/2022-02/](https://halifaxwater.ca/sites/default/files/2022-02/Approved%20Halifax%20Water%202022-23%20Annual%20Business%20Plan%20-%20Web.pdf)

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### **5 *Halifax Regional Water Commission Act:***

#### **Submissions to Council**

**20A (1)** In this Section, “debt policies” and “financial instruments”

include policies and instruments, as the case may be, respecting the borrowing and investing of money, guarantees and the receipt and issuance of negotiable instruments.

**(2)** The Commission shall prepare and submit to the Council for the Council’s approval, at such times as directed by Council by resolution,

- (a) a long-term strategic plan that addresses how the Commission will ensure alignment with the municipal planning strategies of the Regional Municipality; and
- (b) an annual business plan that addresses how the Commission will ensure alignment with the annual priorities of the Regional Municipality.

**(3)** The Commission shall prepare and submit to the Council for the Council’s approval the Commission’s debt policies and financial instruments at such times and subject to such terms and conditions as directed by the Council by resolution and whenever the Commission is creating or amending a debt policy or financial instrument.

**(4)** The Commission shall provide such other information as requested by the Council at such times as directed by the Council by resolution.

**(5)** For greater certainty, the Council’s approval of a debt policy or financial instrument is required in addition to any other approval that may be required by the Board. 2016, c. 23, s. 8.