



M·E·M·O

To: Mayor Amanda M. McDougall & Councillors

From: Deborah Campbell Ryan, Municipal Clerk

Date: January 12, 2021

Subject: History of CBRM Committee Governance Structure

The following is an outline of the evolution of the committee governance structure for CBRM since amalgamation.

Current Structure: General Committee:

It is important to note that the General Committee governance structure replaced the four main standing committees by motion of Council on February 19, 2013, following a pilot “Committee of the Whole” system.

Committee Structure Background:

1995 – 2000:

At the time of amalgamation in 1995, CBRM Council was comprised of the Mayor and 21 Councillors. The Standing Committee system in place at the time included four main Standing Committees, namely Corporate Services, Protective Services, Public Services/Water Utility and the Planning Advisory Committee. During the early days of CBRM, the Standing Committees were dealing with policy and by-law development and often met on a weekly or bi-weekly basis in order to manage the workload. The powers of the Committees as delegated by Council were outlined in the Committees RC4 Policy. While some decision-making power was delegated to them, many issues would be introduced at Committee and then referred to full Council for approval.

2000-2010:

Over time, after the majority of the by-laws and policies were in place, the frequency of the meetings for most Committees decreased to about one meeting per month. Further, with the reduction in the number of Councillors from 21 to 16 in 2000, the size of most Committees changed from 6 Councillors to 8 Councillors (i.e. half of the Council), and one-half of the membership on each Committee rotated annually for continuity purposes.

In January of 2010, on the request of a Councillor, the Corporate Services Committee passed a motion directing staff to prepare an issue paper on the Council governance system with comments on the possible implementation of a Committee of the Whole meeting system vs. the Council Committee system. The rationale provided by that Councillor was that most Councillors wanted to be part of all committees and all decision-making. Moreover, given the financial situation at CBRM at the time, all Councillors wanted to be part of good decision-making. As noted above, this was approved by Council in June 2010.

In September of 2010, Council embarked on a Committee of the Whole pilot project to replace the four main Standing Committees. During that time, Council retained all decision-making powers, thus all issues had to go to full Council for approval.

2012-2014:

In 2012, the Council was downsized to 12 Councillors plus the Mayor. With the reduced numbers, those in favor of only one committee felt that the group was small enough to reach consensus on issues more expeditiously. In February of 2013, the Council of the day adopted the General Committee governance structure that ended the Committee of the Whole pilot project and thereby replacing the four main Standing Committees. On April 16, 2013, Council approved the powers delegated to the General Committee and Council later approved the necessary changes to the Committees RC4 Policy to implement these powers (October 20, 2015).

Further, Council passed a motion on June 18, 2013 discontinuing the appointment of elected officials to outside boards.

The detailed issue papers and background information authored by former Clerk Bernie White on the changes to the committee structure are attached.

Fire & Emergency Services Committee:

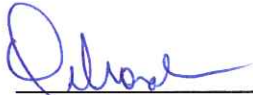
In August of 2014, Council created the Fire and Emergency Services Committee with a mission to manage community risk through a system of engineering enforcement, education and consultation; and to provide a standard of emergency response to meet the defined needs of the CBRM. The Terms of Reference for the Fire & Emergency Services Committee are contained in the Committees RC4 Policy (copy attached). Prior to the creation of the General Committee, the Fire Services Department reported to the Protective Services Committee.

Mandated Committees:

As required under provincial legislation, CBRM Council shall appoint a Board of Police Commissioners, Audit Committee, Heritage Advisory Committee and Fences Arbitration Committee. Further, CBRM has struck a Diversity Committee in accordance with the CBRM Diversity Committee Governance Policy.

Copies of the relevant Committee Policies and Bylaws are attached for Council's information.

All of which is respectfully submitted.



**Deborah Campbell Ryan,
Municipal Clerk**

copy: Marie Walsh, Chief Administrative Officer

Attachments

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**To Memo to Mayor Amanda M. McDougall & Councillors
re: History of CBRM Committee Governance Structure
January 12, 2021**

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5. **Business Arising:**

1. **Corporate Services Committee – May 3rd, 2010:**

a) **Implementation of Committee of the Whole (COW):**

Motion:

Moved by Councillor Saccary, seconded by Councillor Detheridge, to implement the Committee of the Whole system as presented, on a trial basis commencing in September.

Motion Carried.

2. **Corporate Services Committee – June 7th, 2010:**

a) **Southend Community Centre – Lease:**

Motion:

Moved by Councillor Saccary, seconded Councillor Paruch, to renew the lease with the Southend Community Development Association for a period of ten years, with an option to renew for a further term of 10 years, and that the Mayor and Clerk be authorized to sign on behalf of the Municipality.

Motion Carried.

6. **By-Laws, Resolutions, Motions, Notice of Motions:**

BY-LAWS:

2nd & Final Reading: N/A

1st Reading:

1. **Pension Committee – May 11th, 2010:**

a) **Proposed Amendments to the CBRM Defined Benefit Pension Bylaw:**

Motion:

Moved by Councillor Prince, seconded by Deputy Mayor Bruckschwaiger to approve the amendments to the Defined Benefit Pension Bylaw for first reading.

Motion Carried.

Cape Breton Regional Municipal Council

Tuesday, June 15th, 2010

6:00 p.m.

BUSINESS ARISING

1. Corporate Services Committee – May 3rd, 2010:

a) Implementation of Committee of the Whole (COW):

Committee recommends implementation of the Committee of the Whole “COW” system as presented, on a trial basis commencing in September. Bernie White, Municipal Clerk (see page 38)

2. Corporate Services Committee – June 7th, 2010:

a) Southend Community Centre – Lease:

Committee recommends renewing the lease with the South End Community Development Association for a period of ten years, with an option to renew for a further term of 10 years, and that the Mayor and Clerk be authorized to sign on behalf of the Municipality. Robin Campbell, Q.C., Regional Solicitor (see page 52)



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5020

To: Corporate Services Committee
From: Bernie White, Municipal Clerk
Date: April 30, 2010
Subject: Implementation of Committee of the Whole (COW) – Trial Basis as per motion of March 1st, 2010

At the Corporate Services Committee meeting held on March 1st, 2010 an issue paper dealing with Council Governance Structure was reviewed.

The staff paper reviewed the pros and cons of a Committee of Whole (COW) system of Government and a Standing Committee style of Council.

After its deliberations, the Corporate Committee requested staff to prepare an implementation strategy for a "COW" system at CBRM. It was noted that the proposed system would be put into effect on a trial basis (copy of motion attached).

Implementation:

In attempting to compose a workable CBRM model for Committee consideration, we've again spoken to several administrators in other jurisdictions. We rely heaviest on the HRM model as that system is used in a larger Council similar in size to CBRM.

This is a new concept for CBRM as the Standing Committee model has been used since amalgamation. To that end it became necessary to compare models in other areas with the local conditions that exist here i.e. Council size and size of Municipality.

The March 1st issue paper noted the advantage of a "COW" system as follows.

- The main advantage is that in a "COW" system all Councillors are in on all discussions.

** That point seemed most important to members of Corporate Services who favored a Committee of the Whole model.*

In developing some guidelines for the smooth transition to an operation of a COW system, we identified some of the challenges of a COW and propose meeting rules which may allow us to avoid or at least manage these challenges.

The main disadvantages associated with a COW System were identified as follows:

1. Meetings can become very long.

To avoid this, Council members will be encouraged not to be repetitive in their comments and attention to speaking time limits will be ever important.

Staff members should also insure that their comments are brief and issue papers succinct.

2. The debates at "COW" can tend to be duplicated at Regular Open Council.

In order to avoid the issue of longer meetings, we will require agreement and discipline amongst Council, staff, members and the Chair not to duplicate the debate.

One organization even suggests that if a matter is coming from "COW" with recommendation to regular Council, that no further debate is permitted when the topic comes to regular session. That really doesn't conform to the normal rules of debate in Roberts Rules.

3. Council in regular session may become perceived as a rubber stamp only for its COW.

To address this, some organizations don't take any motions in COW. They simply discuss a matter informally and move it forward to the regular Council agenda for action. This doesn't conform with existing Council procedure. Alternatively an issue can be simply dropped after discussion in a Committee of the Whole model. An open agenda concept such as described above could very easily become unfocused.

Again in an effort to provide Council with some kind of implementation strategy for a "COW" system, there are many current procedures which would need to be addressed.

- **Will Unsightly Premises and Demolition appeals, normally held at Protective Services, now come to "COW"?**

It would seem that the answer is yes. Citizens have a right to appeal and the MGA obligates a Council to have an appeal mechanism.

- **Will any of CBRM's existing Committees or Commissions be maintained?**

It would seem that a number of Committees would have to be maintained either due to Legislation requirements or specific mandates. The following are Committees and Boards that would probably have to live on. (There may be others i.e. Braemore Home)

- Police Commission – *Police Act*
- Audit Committee – *MGA*
- Nominating Committee
- Affirmative Action Committee

- Active Transportation Committee
 - Water Utility Committee
 - Heritage Advisory Committee
- Can Council act as its own Planning Advisory Committee (PAC) and if so, is it mandatory to have citizens-at-large on PAC?

It is suggested that Council can be its own PAC and there is no obligation to have Citizens-at-Large on a PAC. As we develop a COW system for CBRM, it would seem that we will want to be as flexible as possible with any initial rules until we have enough experience to develop suitable procedural local guidelines. The usual adherence to courteous debate and a common sense approach to business are the best tools.

In the interim and traditionally with a lower volume of issues coming before Council during the summer months, it is suggested that we implement the trial "COW" system in September (after Labor Day). We probably shouldn't change any existing policies i.e. our CBRM Committee Policy (RC-4) or Rules of Order (RC-1) until after the trial period is given sufficient time allowing us a proper assessment of a COW system or one year (whichever comes first).

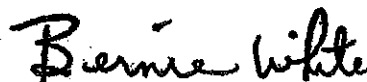
Procedures for Meetings in September:

In September (after Labor Day) we propose that we would produce a Committee of the Whole agenda structured with issues that would normally go to specific Committees i.e. a section of the COW would deal with Corporate issues, another section for Protective issues (including any appeals), another section for Planning issues, etc.

All of these issues would go to Committee of the Whole and if we aren't able to complete the agendas in one full day, we would meet again on a second day, all leading to referral of any issues we want or need to send to Council in open session.

Discussion in the past with T.V. and media outlets indicate that they are not prepared to cover a second Council meeting where it sits as "COW", thus delegations will continue to request to come to Council that has T.V. coverage. This Delegation Policy is another CBRM Policy which requires review.

Respectfully Submitted,



Bernie White
Municipal Clerk

/slb

2. **Business Arising:**

Corporate Services Committee – March 1st, 2010:

a) **Implementation of Committee of the Whole (COW):**

Motion:

Moved by Councillor MacDonald, seconded by Deputy Mayor Bruckschwaiger that a recommendation be made to Council to implement the Committee of the Whole "COW" system as presented, on a trial basis commencing in September.

Motion Carried.

Draft

Excerpt from Corporate Services Committee Minutes - March 1, 2010

Business Arising - Corporate Services Committee – January 11th, 2010

a) Committee of the Whole System

The Municipal Clerk presented an issue paper as directed by the Committee at the January meeting which outlines the current Committee system and included comments on the possible implementation of a Committee of the Whole (COW) structure of CBRM.

The advantages and disadvantages of both the current Council/Committee system and the (COW) system were discussed.

Advantages of the Council/Standing Committees currently used by CBRM are:

- More efficient, consensus comes quicker in a smaller group;
- Members become more familiar with specific departmental operations;
- Rotation of membership allows members to eventually become familiar with the global operations;
- Allows for more in-depth discussion without rigid time limits on debate
- Excellent training opportunities for Councillors to test leadership skills on Committee Chairs;
- Delegates certain powers to Committee with a mechanism for major issues to come back to full Council.

In a COW structure there is only one standing committee other than Council and it is composed of all Council members. The main advantage is that all Councillors are involved in all discussions. The main disadvantage is that without rigid adherence to time limits, there could be prolonged meetings especially if 17 members of Council spoke on each issue.

Decisions made at a COW meeting are not binding and are only recommendations back to Council. The Mayor as Chair of Council would preside at COW meetings if implemented.

Currently there are four (4) major Standing Committees plus a Police Commission.

Motion:

Moved by Deputy Mayor Bruckschwaiger, seconded by Councillor Desveaux to approve in principle a Committee of the Whole (COW) system for CBRM on a trial basis and that staff be directed to draft an implementation strategy for a COW system and that the report be brought back to this Committee within 30-60 days.

Motion Carried.

Cape Breton Regional Municipality

Issue Paper

To: Corporate Services Committee

March 1st, 2010

**Re: Council Governance Structure
Committee of the Whole (COW) or Multiple Standing Committees**

The Corporate Services Committee at its January meeting directed staff to produce an issue paper outlining its current Committee system and to include comments on the possible implementation of a Committee of the Whole structure for CBRM.

This is a topic that has been discussed by Council/Committee(s) on a number of occasions since amalgamation in 1995. In researching the topic I've reviewed significant documentation that is available in CBRM Minutes from 1995 onward.

In addition I've contacted other Nova Scotia municipalities (including HRM) to get an appreciation for governance models in different jurisdictions. I've also spoken to some administrators in other Canadian and U.S. municipal units.

There is always merit in periodic reviews of existing policies and procedures to see if policy changes might make our decision-making processes more effective and efficient.

Specifically for this exercise, staff was asked to comment on whether a Committee of the Whole system would be an improvement or a viable option for CBRM.

Both the current Council/Committee system and the Committee of the Whole system have advantages and disadvantages. I'll attempt to expound upon those pros and cons and hopefully assist this Committee in making some decisions on a future direction.

Background

While the powers and duties of a Municipality are required to be executed by its Council, it is common practice for Municipal Councils to implement a system of Standing Committees or Advisory Committees to share the Council workload.

Advantages of Council/Standing Committees

- More efficient as consensus comes quicker in a smaller group;
- Members become more familiar with specific departmental operations (also could be a disadvantage if role clarity isn't prioritized);
- Rotation of membership allows members to eventually become familiar with the global operation;
- Allows for more in-depth discussion without rigid time limits on debate
- Excellent training opportunities for Councillors to test leadership skills on Committee chairs;
- Delegates certain powers to Committee with a mechanism for major issues to come back to full Council;

Committee of the Whole

Another common structure is a Committee of the Whole (COW). In a COW structure there is only one standing committee other than Council and it is composed of all Council members. There is no workload sharing advantage for Councillors as all members participate in every issue at Committee of Whole level and again as the same issue comes back to Council in regular session.

- The main advantage in a COW system is that all Councillors are in on all discussions.
- The main disadvantage for a COW system is that without rigid adherence to time limits there could be prolonged meetings especially if 17 members of Council spoke on each issue.
- A second concern would be that regular Council could be perceived by the public as simply a rubber stamp process for COW.

Decisions made at a COW meeting are not binding and are only recommendations back to Council, thus duplication of debate is a distinct possibility. The Mayor as Chair of Council and in accordance with section 15(1) of the MGA would preside at Committee of Whole meetings if implemented.

History on Council Decision-Making Models at CBRM

In 1995 the first CBRM Council chose to adopt the Council/Committee system instead of the COW model.

Subsequently, successive CBRM Councils have evaluated the Committee system and all have selected a preference for continued use of standing committees.

Two significant and comprehensive reviews on Committee system vs. COW system were completed during 1997 and 1999.

CBRM Empowerment Committee 1997

In March 1997, the Council of that day established an ad hoc special committee to review the decision-making process at CBRM. It generated some amendments to the original policies of 1995 and recommended continuation of a Committee system at CBRM.

KPMG study 1999

As a part of a full scale organization review carried out by an outside consulting firm during 1998-99, the whole issue of Council Committees and empowerment given to these committees was extensively revisited. The consultants recommended some additional amendments to existing policies and suggested that CBRM continue its use of a Committee system. Council of that day agreed.

2007 Committee System Review

Most recently this issue was reviewed again in December 2007 and the last Council again endorsed continuation of Standing Committees.

Other Jurisdictions

A large number of the 55 Municipalities in Nova Scotia use a Committee of the Whole System where Council meets a couple of times a month as a Committee of the Whole leading to at least one regular open Council meeting per month.

The following chart gives information on about half of all Municipalities in Nova Scotia who responded to our request for information distributed through the UNSM and Association of Municipal Administrators (AMA). (See table Attached)

	Committee of the Whole		Council Size
	Yes	No	
Regionals			
HRM	√ plus other committees		24
CBRM		√	17
Rurals			
Antigonish	√		10
Argyle	√		7
West Hants	√		9
Annapolis County	√		11
Lunenburg County	√		13
Kings County	√ plus lots of committees		11
District of Shelburne	√		7
Towns			
Amherst	√		7
Antigonish	√		7
Berwick	√		7
*Bridgewater		√ briefing session	7
Annapolis Royal	√		6
Lockeport	√		5
New Glasgow	√		7
Port Hawkesbury	√		5
Digby	√		7
Yarmouth	√		7
Windsor	√		5
Mahone Bay		√	7
Wolfville	√ special task forces	Council in Committee	7
Digby	√		7

It's noteworthy that some of the units categorize their Committee of the Whole meetings as "briefing sessions" or "Council in Committee" and the procedures they use vary significantly from place to place. I would go as far as to suggest that some of these Council models don't conform to the true meaning of an actual Committee of the Whole. Some don't appear to be in true sync with provisions of the MGA.

Some COW's in other jurisdictions don't send any recommendations or make any motions at all. Some don't even take minutes. Probably not the best practice.

One thing that really sticks out relates to Council size. All except for one unit have Councils smaller than CBRM and most who have responded are Town Councils with 5-7 members. It is commonly accepted that Committee of the Whole system works better for smaller groups as consensus can be reached easier and more quickly.

Having noted the above, it is interesting to note that HRM uses a COW system.

Committee of the Whole in Halifax Regional Municipality (HRM)

I was particularly interested to gather some information on the HRM COW system. To that end I spoke with a couple of the administrators at HRM and one senior member of Council who gave me some historical context on how HRM with a 24 member Council came to use COW.

Basically it was implemented shortly after amalgamation in HRM to provide Council with an opportunity to have a monthly informal discussions before making final decisions at regular Council.

At present and for the past number of years it has tended to evolve into four (4) COW meetings a month followed by 4 regular Council sessions. In addition, there are also approximately 50 other Committees and Commissions operating inside the HRM governance model.

The current Council has experienced some attendance issues (recently reported in the media). Members of Council are becoming overwhelmed by the volume of meetings and the marathon hours being spent at the Council table.

Committee of the Whole at CBRM

If a Committee of the Whole system was implemented at CBRM, the expectation might be that a lot of hours devoted to the current standing Committees could be eliminated. It would seem from the comments above that HRM didn't experience more efficiency.

There is currently a review in progress at HRM to streamline the large number of committees currently operating in HRM with the possibility of a move away from the COW system.

Having noted the above, the CBRM might not have a problem with excessive COW meetings or attendance issues, but these are issues we'd need to consider.

CBRM Council System – A Hybrid Model

The CBRM Council Committees have evolved into what I'd refer to as a hybrid model or a synthesis of a Committee system and a COW system.

At present, we have four (4) major Standing Committees plus a Police Commission.

The Councillors who are non-members of a particular committee receive all materials coming before a Committee. Non-Committee members are encouraged to attend all Committee meetings and even speak on all issues. The only restriction is that they aren't entitled to vote.

The CBRM system has specifically empowered its Committees to make certain decisions which takes some pressure off regular Council meetings.

Ironically despite criticisms and negative comments we receive periodically, our governance model is actually viewed by many administrators as an example of a best practice in local governance.

Future Consideration for CBRM Committees

The CBRM Committee system was established at a time when there was an astronomical volume of transitional work for Council due to amalgamation of eight (8) former units into one large local government.

The establishment of some excellent policies in the areas of purchasing, service delivery, budgeting, etc., provides clear direction for staff to carry out the business of Council. From time to time, that results in a low volume of issues for Committees' pending files and even postponement or cancellation of some Committee meetings.

It may be that CBRM could in fact simply add another Council meeting per month and replace its Committee system.

If an additional meeting were implemented it probably could/should be a second regular meeting and not necessarily a Committee of the Whole model.

Council has historically attracted a lot of interest from community delegation groups wanting to appear at Council meetings and we'd have to review our policy on such delegation, if in fact we were to add another meeting per month.

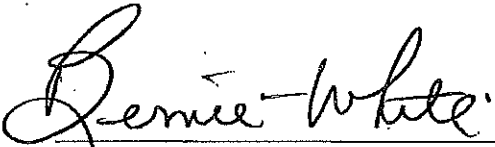
Final Comment

If pushed for a specific recommendation, I would support the existing Committee system over the implementation of a COW system at CBRM.

I suggest that the CBRM with all of our challenges and obligations over the years has developed a very workable governance model for a Council with 17 members.

A tremendous volume of issues, some very contentious, have made their way through the Standing Committees over the years. Although critics would not agree with some decisions that were made or that Council always uses its meeting time efficiently, it would seem that no one could claim that the CBRM political system doesn't work.

As we move forward, processes like the ICSP Report and the Boundary Review study might suggest that we should make additional changes to the decision-making procedure of Council, but for now we do have a workable model.



Bernie White
Municipal Clerk
/lak

Excerpt from Corporate Services Committee Minutes – January 11, 2010

Request for Agenda Item – Committee of the Whole System:

The Deputy Mayor discussed the current system for CBRM meetings and the desire to consider the “Committee of the Whole” meeting system.

Motion:

Moved by Deputy Mayor Bruckschwaiger, seconded by Councillor MacDonald that staff be directed to prepare an issue paper on the current Council governance system with comments on the possible implementation of a Committee of the Whole meeting system vs. the Council Committee system.

Motion Carried.

CBRM

CBRM Councillors'
Office

M-E-M-O

To: Municipal Clerk Bernie White
From: Councillor Darren Bruckschwaiger - District #5 - CBRM
Re: Request for Agenda Item – Corporate Services Committee
January 11th, 2010
Date: January 5th, 2010

Dear Bernie:

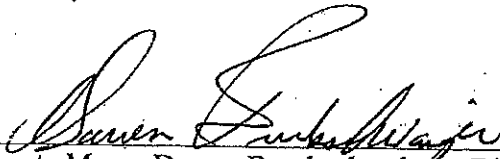
It appears that this Council is very involved and wants to be part of all committees and all decision making.

If attendance was reviewed, I think you would see on average, twelve Councillors present at each committee meeting. Opportunity is usually given to all Councillors in attendance to speak on a topic they may have concerns about.

Also, in consideration of the CBRM Financial situation, I believe we all want to be part of good decision making and also a need to be part of the tough ones. I believe we have some very challenging times ahead. Based on these facts, I personally think it would make sense to go to the Committee of the Whole system. I believe the agenda business of all committees could probably be completed in one full day and on occasion a day and a half. This of course would exclude the Police Commission because of the legislation.

I would like to see Staff do an issue paper on this topic.

Sincerely;



Deputy Mayor Darren Bruckschwaiger - District #5 – CBRM

/cmi

Business Arising Cont'd:i) Sydney Harbour – Boardwalk Easement**Motion:**

Moved by Deputy Mayor Saccary, seconded by Councillor Cormier, that the Mayor and Clerk be authorized to sign the Sydney Harbour – Boardwalk Easement documentation as outlined in the staff report.

Motion Carried

j) CBRM Governance Structure “Committee System”

The Municipal Clerk provided highlights of his report on a proposed governance model for CBRM, noting that his recommendation combines best practices which are basically a hybrid model of a Committee of the Whole and Standing Committee System.

The recommendation includes:

- *Establish a General Committee*
- *Major review of existing policies*
- *Two days set aside for General Committee meetings*
- *Maintain the authority of Council*
- *Implementation in April*
- *Have a March Committee of the Whole meeting*

During the discussion there were questions regarding Council representation on external boards. The Clerk noted that another issue paper will come forward regarding same after the budget process.

Motion:

Moved by Deputy Mayor Saccary, seconded by Councillor George MacDonald, to adopt the CBRM Governance Structure “Committee System” report as presented.

Motion Carried.

6.2 Council In-Camera - February 5, 2013a) Pension Plan Contribution Rates**Motion:**

Moved by Deputy Mayor Saccary, seconded by Councillor Rowe, approval of the Memorandum of Agreement which will see the matched contribution to CBRM pension plans increase to 8% Employer and 8% Employee, conditional upon acceptance by CBRM Unions.

Motion Carried.

Business Arising (cont'd)

e) Harbourfront Development

Committee recommends that CBRM cost share with ECBC in hiring a Consultant to provide a Conceptual Plan of the Waterfront Development, and that CBRM's share (\$30,000) be included in the 2013-2014 budget.
Marie Walsh, Acting CAO (see page 61)

f) Request by Alpha Investments Ltd. to Purchase a Portion of CBRM Property: PID #15638919 at or near the Ballast Grounds, North Sydney

Committee recommends:

- That the lots in question be declared as surplus to the needs of the CBRM;
- To sell such lots for their appraised market value to Alpha, noting that Alpha will be responsible to pay all associated costs of transfer (i.e., survey, migration of title, appraisal, etc.)

Robin B. Campbell, Q.C., Regional Solicitor (see page 65)

g) Request for Street Closure (Irvin MacAskill): Portion of Grant Street Reserve, Sydney, PID #15716236

Committee recommends proceeding with the street closure process for a portion of the Grant Street Reserve, Sydney, and that the subject area be deemed **surplus** to the needs of the CBRM. Robin B. Campbell, Q.C., Regional Solicitor (see page 69)

h) Greater Sydney Area Wastewater Collection Project: Expropriation of Land off Kings Road, Sydney

Committee recommends that Council authorize staff to proceed with the expropriation process for land off Kings Road, Sydney, for sewer and water line upgrades, as outlined in the staff report. Robin B. Campbell, Q.C., Regional Solicitor (see page 73)

i) Sydney Harbour – Boardwalk Easement

Committee recommends that the Mayor and Clerk be authorized to sign the Sydney Harbour – Boardwalk Easement documentation as outlined in the staff report.
Robin B. Campbell, Q.C., Regional Solicitor (see page 77)

j) CBRM Governance Structure “Committee System”

Committee recommends adoption of the CBRM Governance Structure “Committee System” report as presented. Bernie White, Municipal Clerk (see page 80)

Continued...

Business Arising:

a) **CBRM Governance Structure “Committee System”** – Bernie White, Municipal Clerk

The Municipal Clerk reviewed his issue paper and the recommendations for staff.

- Establish a General Committee
- Major review of existing policies
- Two days set aside for General Committee meetings
- Maintain the authority of Council
- Implementation in April
- Have a March Committee of the Whole meeting

Motion:

Moved by Deputy Mayor Saccary, seconded by Councillor Bruckschwaiger, that a recommendation be made to Council to adopt the recommendations as presented by the Municipal Clerk.

Motion Carried

Excerpt from November 21, 2012 Committee of the Whole Minutes

3.1 Committee of the Whole / Committee Structure:

The Municipal Clerk provided some background information on the committee structure and how it has been changing since amalgamation, noting that the new Mayor and Council will decide on a committee structure on a go forward basis.

Motion:

Moved by Deputy Mayor Saccary, seconded by Councillor George MacDonald, that following the discussion on the proposed committee governance structure at the Special Meeting of Council on November 26, 2012, staff be directed to develop an Issue Paper concerning the committee structure for consideration at a future meeting.

Motion Carried



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5020

To: Committee of the Whole
From: Bernie White, Municipal Clerk
Date: January 29th, 2013
Subject: CBRM Governance Structure "Committee System"

The CBRM Nominating Committee at its meeting on December 11th 2012 discussed potential governance models available for a CBRM committee system.

Over the years since amalgamation in 1995, this topic has been reviewed periodically by past Councils, and much has been written and presented in numerous issue papers.

The use of either a "Committee of the Whole System" versus a Standing Committee System is usually the focus of this discussion.

CBRM Councils (1995-2010) showed a preference for a "Standing Committee" style of local government. In that model Council set up four major Standing Committees. The members of Council divided the committee work and sat on only two of these committees, and although some decision-making power was delegated to them, a lot of issues would be introduced at committee and forwarded on to full Council for final action.

In June of 2010 the Council of the day showed an interest in switching to a "Committee of the Whole" system and implemented a 6 month trial period. That trial period has extended to the present day and the issue comes forward again as the new Council elected in October 2012 makes decisions on how it wishes to have business brought before it.

There are advantages and disadvantages to each system. Some argue that smaller committees with certain powers assigned to them is the best, as consensus can be attained quicker in a smaller group. Others would prefer that all members of Council sit together as a committee to informally discuss matters before final decisions are made.

Now that the CBRM Council has reduced in size, those in favor of only one committee feel that the group is now small enough to come to decisions/recommendations on issues more expeditiously.

The CBRM staff has researched what other municipal units use as governance models. As expected, other Councils tend to be equally split on the two styles noted above.

Cont'd.....

Principles for a New CBRM System

In attempting to come up with best practices from both systems, staff is prepared to recommend a somewhat new "Hybrid Model".

The experience we have gained in the past 30 months with the "Committee of the Whole" system can be blended with the positive aspects of the former smaller Standing Committee System.

In preparing the recommendations, we reviewed the feedback from Council members and staff and a priority for the new system would be to insure the authority of Regional Council and if some kind of Committee is utilized that it not in any way dilute the ultimate power of Council. There is always a fear that Council will become a rubber stamp for its committees.

A second priority of those elected to the new Council, reduced in size from 17 to 13 members, was that each member participate in all matters discussed at the Committee level. Ironically when asked for a preference of Committee of the Whole vs. Standing Committee, the first choice was for a small committee system. However there was contradictory equal preference that all members sit in on all matters coming to committee.

These two priorities form the basis of the new proposed system and we are recommending that CBRM Council have only one Committee and that it be referred to as the "General Committee", of which all Councillors are members.

Regional Council would delegate certain decision-making authority to this "General Committee" when it sits in that forum. Matters of strategic planning and policy would still be dealt with by Council in formal session. Council, when sitting in "General Committee", would have power to make decisions on certain service oriented issues.

A comprehensive listing of powers suggested for delegation to the "General Committee" can be found in Appendix "A". This list, although extensive, is not intended to be all inclusive, and as we move forward there maybe some things on the list which will be dropped and others not anticipated at this time that will need to be added.

Implementation

Appendix "A" is reflective of the Committee duties in various CBRM By-Laws and Policies i.e. (RC-4 and RC-1) and some wording will need revision.

In advance of outlining recommendations which will facilitate the implementation of the new "General Committee" model, there is a need to discuss:

- *The current committees to which CBRM appoints representatives and,*
- *The continuing need to appoint citizens at large on certain committees. The issue paper presented to the Nominating Committee in December 2012 briefly discussed the continuing participation by CBRM on certain "external committees".*

At present there are a large number of outside Boards and Committees that we appoint people to on an annual basis. (See List Appendix B)

A recent development with membership on a committee (Braemore Home) brought forth some liability and accountability issues that created an unpleasant situation for CBRM Councillors. Despite some yeoman service, volunteer board members for the Braemore Home (all of which were CBRM Councillors) experienced some extenuating circumstances (beyond the control of the CBRM representatives) resulting in some negative press and embarrassment for our elected officials.

Although it is important for CBRM to have awareness and advocacy for the various organizations in our region, it is suggested that such support and advocacy can be made available without direct membership on some of these boards.

A guideline to follow might be if we don't appoint the majority of members, then we probably shouldn't be on the Board.

A Council member serving as a CBRM appointee on an "outside agency" may infer to some that CBRM controls the outcomes of the business of these organizations when in fact we usually have one or two votes (certainly not a majority position).

Admittedly, there must be a mechanism for such groups to access their Council. Staff suggests that such stakeholders should request to appear before the Council or "General Committee".

Further, if any member of Council wishes to or feels compelled to belong to an outside local agency i.e. Miners Museum or Bayplex, they should do so as a private citizen.

Council member's schedules will fill up very quickly if an attempt is made to join or be appointed to numerous community committees.

Larger Districts in 2012 and moving forward will seriously impact on the amount of "Constituency Work" individual Councillors have to do. Membership on a large number of outside committees will tax the efforts and time of already very busy people.

Citizens-at-Large on CBRM Committees

Citizen appointees on some committees is recommend for continuation. The value of a citizen's perspective assists with decisions made and committees such as the Diversity and Heritage Advisory are integral to our system.

With the switch to a "General Committee", staff would propose that no citizens-at-large be included on the roster as any issues involving Planning come to the 13 member "General Committee". Planning issues already are subject to various Public Participation Meetings and formal Public Hearings when an issue is progressing through Council, thus the views from the public get heard at those events.

Active Transportation

In relation to the Active Transportation Committee, the primary mandate of this committee was to compose the CBRM AT Plan which is now complete. A staff Resource Committee supported

by informal interaction with stakeholder groups to further implement the goals of the Plan is expected to be sufficient going forward. The citizens who did excellent work in developing the AT Plan will continue to have access to Council via presentations to the staff Resource Committee or by appearing as a delegation before Council on AT issues. The existing governance policy for the Active Transportation Committee would require revision.

Recommendations

Having noted all of the above and with the authorities extended in the MGA in Section 23(1) (C) (which permits delegation of some powers to a "General Committee"). The following is proposed for our "Hybrid Model".

- 1) *That a new committee to be known as the "General Committee" be created.*
- 2) *That all members of Council be members of the "General Committee".*
- 3) *That two days at the beginning of each month (i.e. the first Tuesday and Wednesday) be scheduled for "General Committee" meetings.*

In the past committee system, there was a need to have more meetings as the formal standing committees were very specific on their mandates. This required multiple meeting dates.

Alternatively when Council met for a single day as a "Committee of the Whole", the meetings tended to be all inclusive and were much too long.

This recommendation supports the use of a committee model; however the scheduling over two days will permit the focusing of agendas, and hopefully more efficient and effective use of the Council time.

- 4) *One day to be set aside for Corporate and Protective issues only.*
- 5) *One day is set aside for Planning and Public Service issues only.*
- 6) *Council reserves the right to meet (when necessary) for "informal discussion" in a true "committee of the whole" forum.*

It is emphasized that there is a distinct difference between "General Committee" and "Committee of the Whole". The major difference is that no final decisions can be made while sitting as a "Committee of the Whole", only recommendations to Council.

- 7) *The list of delegated authorities as per Section 23(1) (C) of the MGA and outlined in Appendix "A" be delegated by Council. It is noted that there will be a requirement to periodically revise the delegated powers as the list is not meant to be all inclusive.*
- 8) *That the current policies in place which govern committee assignments in CBRM, namely RC-4, RC-1, and Citizen Appointment Policy be amended accordingly.*

9) *That CBRM continue to utilize (on an as required basis) the appointment of sufficient and qualified citizens to serve on some legislated or special committees i.e. Diversity, Heritage, and Police Commission.*

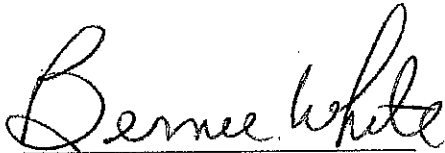
10) *That Authority be given for "General Committee" to hear appeals to unsightly premises or demolition orders.*

Conclusion

As noted, the Issue Papers considered by CBRM Councils in the past have outlined the advantages and disadvantages of the various governance options.

Several administrators from other municipalities have actually called and asked about our "Committee System" as they have heard positive things about it and intend on recommending a similar system to their Councils.

Noting the current budget preparation process and also some arrangements relating to Council chamber updates, which will allow video streaming of Council procedures, it is proposed that (if accepted) the recommendations above will be implemented April 1st.



Bernie White
Municipal Clerk

/tmc

Attachments

5. Business Arising

5.1 Committee of the Whole April 9, 2013

a) Mayors for Peace:

Motion:

Moved by Deputy Mayor Saccary, seconded by Councillor Rowe, that CBRM join the Mayors for Peace in support of the abolition of nuclear weapons; with the stipulation that CBRM will not be bound to any financial obligations or overarching Policy matters that come forward from this organization.

Motion Carried.

b) Powers of General Committee:

Motion:

Moved by Councillor MacLeod, seconded by Deputy Mayor Saccary, to approve report as presented.

Motion Carried

c) Request to Purchase CBRM Land: Parcel of Land located to the rear of 27 Starr Court, Sydney

Motion:

Moved by Councillor MacLeod, seconded by Councillor Paruch, that the parcel of land located to the rear of 27 Starr Court, Sydney, PID # 15156409, (John and Janine Tubrett) be deemed as surplus to the needs of the Municipality.

Motion Carried

d) Request for Deed – Albert Hooper: Property at Marion Street, Glace Bay

Motion:

Moved by Councillor Eldon MacDonald, seconded by Councillor Detheridge that the Mayor and Clerk be authorized to execute the deed concerning the property located at Marion Street, Glace Bay to finalize the transfer from the former Town of Glace Bay to Mr. Albert Hopper.

Motion Carried.

e) Council Remuneration Policy (Pension):

Motion:

Moved by Councillor Rowe, seconded by Councillor Detheridge, approval of the amendments to the Council Remuneration Policy to increase pension contributions to 8 % effective April 1st, 2013 in order to conform with the current requirements of the pension plans and the continuity of the payroll system.

Motion Carried.

Cape Breton Regional Municipal Council

Tuesday, April 16, 2013

6:00 p.m.

5. BUSINESS ARISING

5.1 Committee of the Whole – April 9, 2013:

a) Mayors for Peace:

Committee recommends that CBRM join the Mayors for Peace in support of the abolition of nuclear weapons; with the stipulation that CBRM will not be bound to any financial obligations or overarching Policy matters that come forward from this organization. Bernie White, Municipal Clerk (see page 31)

b) Powers of the General Committee:

Committee recommends acceptance of the report as presented. Bernie White, Municipal Clerk (see page 42)

c) Request to Purchase CBRM Land: Parcel of land located to the rear of 27 Starr Court, Sydney

Committee recommends that the parcel of land located to the rear of 27 Starr Court, Sydney, PID # 15156409. (John and Janine Tubrett) be deemed as surplus to the needs of the Municipality. Ken Smith, Planner (see page 48)

d) Request for Deed – Albert Hooper – Property at Marion Street, Glace Bay:

Committee recommends that the Mayor and Clerk be authorized to execute the deed concerning the property located at Marion Street, Glace Bay to finalize the transfer from the former Town of Glace Bay to Mr. Albert Hopper. Demetri Kachafanas, Assistant Regional Solicitor (see page 52)

e) Council Remuneration Policy (Pension):

Committee recommends that in order to conform with the current requirements of the pension plans and the continuity of the payroll system, the Council Remuneration Policy be amended to increase pension contributions to 8 % effective April 1, 2013. Angus Fleming, Director of Human Resources (see page 59)

Powers of the General Committee:

Motion:

Moved by Councillor MacLeod, seconded by Deputy Mayor Saccary, that a recommendation be made to Council to accept the Report as presented.

Motion Carried



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5020

To: CBRM Council
From: Bernie White, Municipal Clerk
Date: April 4th, 2013
Re: Powers of "General Committee"

The CBRM Council in February 2013 gave approval for the implementation of a revised Governance Structure for a CBRM Committee System.

The focal point of the new model is the establishment of a "Super Committee" to be known as there "General Committee" which would be Councils' only Standing Committee to include all 13 members of the CBRM Council.

There was an empathetic distinction made between "General Committee" and "Committee of the Whole" (COW) in that the latter is a parliamentary term and describes an informal setting where Council members can have in depth discussions on issues, but has only the power to recommend actions to Council. The CBRM Council will continue to have Committee of the Whole discussions.

Alternatively the "General Committee" is empowered under section 23 (1) (c) of the *Municipal Government Act* (MGA) to make decisions on certain issues.

In the January issue paper there was reference to existing CBRM Policies which will have to be revised to connect current policy statements with the newly adopted Governance Model. Amongst the 10 recommendations accepted in February, # 8 called for a revisit and amendment to CBRM Policies RC-4 (Committees), RC-1 Rules of Order and The Citizen Appointment Policy.

A disclaiming statement in recommendation # 7, noted that the list of delegated powers would be an ongoing document and periodic amendments would be required. The list was not meant to be all inclusive. There would be deletions from the list periodically as well.

In an effort to commence the clarification of delegated authority, the following will require specific endorsement.

1. That requests to have CBRM owned property deemed surplus to the needs of the municipality; be delegated for decision to the General Committee. The CBRM Land Acquisition/Disposition Policy and the Procurement Policy will be amended accordingly.

Continued.....

2. Appeals from property owners relating to demolition or unsightly premises orders are authorized to be heard at the General Committee and that decision on such orders are to be made on behalf of Council by the General Committee, Section 345 of the *MGA* and Section 23 (1) (c) are attached for information and provide the authority for this delegation of power.
3. The General Committee will deal with CBRM Planning Issues. It is the position of Council that sufficient public input opportunities exist via formal Public Hearings and Public Participation Programs during their lead up to decisions on Planning matters. There is no need to add "citizens at large" to the General Committee when it deals with planning issues.

Council purposely does not refer to itself as a technical Planning Advisory Committee (PAC) and recognizes that the vast majority of planning issues will be forwarded to the formal Council agendas.

4. The General Committee shall assign new names to streets and when necessary shall change the name of public and private streets.
5. The General Committee when dealing with Public Service Issues will make decisions pertaining to:

- Transit
- Public Service
- Engineering
- Solid Waste
- Parks and Recreation
- Fleet

6. The General Committee when dealing with "Corporate Service" related issues will make decisions pertaining to the legislative branch of government including:

- The CAO
- The Clerk
- Legal Department
- Finance Department
- Human Resources
- Economic Development
- Fiscal Services
- Centre 200
- Cosset Heights and Northside Industrial Park

7. The General Committee is authorized to make decisions relating to the operation of the CBRM Water Utility including: Rate Application processes and recommendations on capital projects.
8. The General Committee when dealing with Protective Services Issues will decide on matters relating to:

- Fire Services
- Building Services

- Development
- Animal Control
- Other non-Police Protective Services
- Emergency Management
- Licensing
- Permits
- Parking Meters
- Taxi By-Law

The General Committee by motion from time to time will have the authority to revise the rates and fees and fines relating to CBRM By-Laws without the need to formally amend the By-Laws

Council Residual Power

To protect the ultimate power of the Council, (especially on occasions when it would be prudent to retrieve an issue from the General Committee) CBRM should reserve the right to require an issue to be returned to the Council in formal session. It is expected that this would be a very infrequent practice.

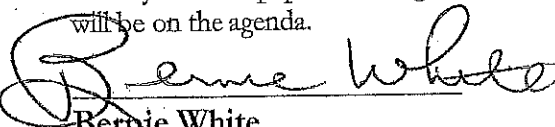
In the coming months as part of the ongoing implementation of the newly established "General Committee Model", staff will be bringing in clarification and wording revision which will make CBRM Policies and By-Laws and the governance model as compatible and contemporary as possible.

Conclusion

The implementation of the General Committee Model is taking place at the same time as some technological aids are being updated in the Council Chambers.

The recent completion of the CBRM Budget Process coupled with these coincidental implementation processes will continue to impact the full switch over from our old Committee practice to the new model. Meetings in the next few months will use appropriate procedures to get the business of Council done.

In May an issue paper outlining what external committees CBRM will continue to participate on will be on the agenda.


Bernie White
Municipal Clerk

/tmr

C: Attachments

Council may make policies

23 (1) The council may make policies

(a) respecting the date, hour and place of the meetings of the council and the notice to be given for them;

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

* (c) providing for committees and conferring powers and duties upon them, except the power to expend funds;

MGA
July 2004

Part 1 (1): (As Amended)
The Municipality

PART XV

DANGEROUS OR UNSIGHTLY PREMISES

Requirement to maintain property

344 Every property in a municipality shall be maintained so as not to be dangerous or unsightly.

Authority to delegate

345 (1) The council may, by policy, delegate some or all of its authority pursuant to this Part, except the authority to order demolition, to the administrator.

(2) The council may, by policy, delegate its authority pursuant to this Part, or such of its authority as is not delegated to the administrator, to a community council or to a standing committee, for all or part of the municipality.

Business Arising Cont'd:

c) Committee Structure – External Committee:

The Municipal Clerk provided background information on this issue.

Motion:

Moved by Deputy Mayor Saccary, seconded by Councillor MacLeod, approval of the report as presented, noting that an advertisement be placed to recruit citizen volunteers where necessary.

Motion Carried

2.2 Heritage Advisory Committee – June 13, 2013:

a) Requests for Municipal Heritage Property Registrations:

i. “Red Row” Housing Complex, Main Street, Sydney Mines:

The Heritage Officer provided background information on this issue. He advised that there was some concern over the structure of the “Red Row” housing complex and its deteriorating condition. He stated that he visited the site with a Structural Engineer and based on the inspection there would be some items needing to be addressed, however the restoration of the “Red Row” is not unreasonable.

Motion:

Moved by Councillor Prince, seconded by Councillor Eldon MacDonald, that the request from the Property owners of the “Red Row” complex in Sydney Mines to register civic numbers 581, 583, 585, 587, 589, 591, 593, 595, 597, 599, 601, and 603 Main Street, Sydney Mines as Municipal Heritage Properties be approved for first reading.

Motion Carried

ii. Polish Village Hall, 972 Victoria Road, Sydney:

The Heritage Officer provided background information on this issue.

Motion:

Moved by Councillor MacLeod, seconded by Councillor Paruch, that the request from Tom Urbaniak, on behalf of St. Michael’s Polish Benefit Society, to register 972 Victoria Road, Sydney as Municipal Heritage Property be approved for first reading.

Motion Carried

Cape Breton Regional Municipal Council

Tuesday, June 18, 2013

6:00 p.m.

2. BUSINESS ARISING

2.1 General Committee – June 10, 2013:

a) Borrowing Resolution – Operating (Line of Credit):

Committee recommends renewal of the current borrowing resolution for the operating line of credit with the Bank of Montreal. Nancy Dove, Manager of Financial Services (see page 10)

b) Request for Partial Street Closure/ Portion of Bentinck Street, Sydney:

Committee recommends that Council proceed with the street closure process for a portion of Bentinck Street (street reserve), Sydney and that a Quit Claim Deed be granted thereafter. Robin Campbell, Q.C., Regional Solicitor (see page 13)

c) Committee Structure – External Committee: Bernie White, Municipal Clerk (See page 16)

2.3 Heritage Advisory Committee – June 13, 2013:

a) Requests for Municipal Heritage Property Registrations:

i) “Red Row” Housing Complex, Main Street, Sydney Mines:

Committee recommends that Council approve for first reading the request to register the “Red Row” complex in Sydney Mines (civic numbers 581,583, 585, 587, 589, 591, 593, 595, 597, 599, 601, and 603 Main Street, Sydney Mines) as Municipal Heritage Properties. Rick McCready, Planner/Heritage Officer (see page 20)

ii) Polish Village Hall, 972 Victoria Road, Sydney:

Committee recommends Council approve for first reading the request to register 972 Victoria Road, Sydney as a Municipal Heritage Property. Rick McCready, Planner/Heritage Officer (see page 32)

Continued....

Council Representation on External Boards:

Motion:

Moved by Councillor MacLeod, seconded by Deputy Mayor Saccary, that a recommendation be made to Council to approve the report as presented, noting that an advertisement be placed to recruit citizen volunteers where necessary.

Motion Carried



Clerk's Office

M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5020

To: CBRM General Committee
From: Bernie White, Municipal Clerk
Date: June 11th, 2013
Subject: Committee Structure -- External Committee

In the past 6-8 months since the "New" Council was elected, there have been a number of Issue Papers brought before Council dealing with changes in our Committee Structure.

Issue Papers on Dec. 11th, 2012 and January 29th & April 4th, 2013 dealt with decisions on what type of governance model was preferred and the mechanics of how it would be implemented.

Specific powers were delegated to the General Committee by Council by April 16th.

As noted, this implementation to the new Committee Structure will be on going and revised from time to time.

The focus of today's discussion paper deals with appointments to "Exterior" and even some "Internal Committees".

There are statutory requirements for CBRM to keep the following Committees:

- Police Commission
- Audit Committee
- Heritage Advisory
- CBRM Pension Committee (Defined Benefit & Defined Contribution)

In addition, there are several committees currently in existence that we appoint elected members to and we recommend that practice to continue for:

- Library Board
- Pitu'paq
- Mayors & Wardens of CB Municipalities
- Successor to CBCEDA -- as per agreement with other Municipalities

Library Board

The Library Board has 3 Councillors and 3 citizens appointed by CBRM. The majority of appointees on this Board are from CBRM, thus it would be appropriate to continue the practice of having 3 Council members appointed.

Pitu'paq

The mandate of this Committee is to protect the Bras d'Or Lakes. Over the past twelve years we've had political representatives at the table working with other municipal representatives and First Nations officials. As it is similar to other committees, i.e. Mayors & Wardens of CB Municipalities and the proposed Regional Enterprise Network (REN), we are currently working on, there is an expectation that CBRM have continued membership.

In conclusion and for emphasis, the "Exterior/Internal Committees" that we suggest the discontinuation of appointment of elected officials to are:

- Bay Plex
- ACAP
- Miner's Museum
- Savoy Theatre
- Seaview Manor
- Sydney Chamber of Commerce
- Diversity
- Two Rivers Park
- Active Transportation
- Sydney Port Authority
- Cape Breton Island Pathways

All of the above noted Committees are involved with exemplary community services for the benefit of CBRM.

Some of the above noted organizations have By-Laws or Special Acts of the legislature which specifically require participation by CBRM elected officials. In areas where such legislative obligations exist, we should initiate steps to seek revisions to same.

Examples of such groups would be Seaview Manor and the Miner's Museum. The recent trends in Nova Scotia are for elected representatives to get off such Boards, i.e. Braemore Home Board.

As noted in the January 29th Issue Paper:

"Citizen Appointees to some committees is recommended to continue. The balance of a citizen's perspective assists with decisions such as those made by the Diversity Committee."

Recruitment

To facilitate the recruitment of appropriate citizen appointees, the CBRM from time to time, advertises for interested citizens.

In the near future, we will place an advertisement seeking interested citizens to sit on various committees. These will be voluntary service appointments. The Citizen Appointment Policy will guide the citizen selection process.


Conclusion

The recommendations noted in the Issue Paper proposed a different way for CBRM to participate and receive input from various organizations in CBRM.

The list is not intended to be all inclusive, and other committees may have to be addressed if new requests for elected representation comes in.

The major intent is to emphasize that the Council remain involved with the work of external committees but direct representation on all committees isn't always viewed to be practical or most efficient.

Exterior Boards always have the option of requesting an appearance before Council periodically if specific issues arise.



Bernie White
Municipal Clerk

/lem
Attachment

Copy: Directors

Business Arising – General Committee: October 6, 2015 (cont'd)

b) Proposed Amendments to Policy RC4 Committees:

The Municipal Clerk provided background information on this issue.

Motion:

Moved by Councillor MacLeod, seconded by Councillor Detheridge, approval of the amendments to the RC4 Committees Policy as outlined in the staff report dated October 2nd, 2015 as presented.

Motion Carried.

6. Reports:

6.1 Election of Deputy Mayor:

The Municipal Clerk explained the election/selection process as outlined in the Deputy Mayor Policy.

Mayor Clarke called for nominations for the office of Deputy Mayor.

Councillor MacLeod nominated Councillor George MacDonald and Councillor Detheridge seconded the nomination. Councillor George MacDonald accepted the nomination.

Mayor Clarke called for any further nominations. Hearing none, by acclamation Councillor George MacDonald will serve his second term as Deputy Mayor effective November 1st, 2015.

6.2 Appointment of the Nominating Committee:

The Municipal Clerk advised that there is an annual requirement to appoint the Nominating Committee in accordance with Section 12 of Policy RC4 Committees. She noted this year the Committee will be reviewing applications for the citizen representatives on the Police Commission as well as the standing committees and external agencies/committees.

The Clerk noted that Council can appoint the Nominating Committee or authorize the Mayor to appoint the Committee, and further the Committee should meet as soon as may be convenient in order to prepare the nomination report for the November Council meeting.

Motion:

Moved by Councillor MacLeod, seconded by Councillor Saccary, that Mayor Clarke be authorized to select and appoint the members of the 2015/16 Nominating Committee.

Motion Carried.

Continued...

BUSINESS ARISING (Cont'd):

5.2 General Committee – October 6th, 2015:

a) New Waterford Urban Center – Land Purchase PID 15475262:

Committee recommends that Council approve the purchase of PID 15475262 at the price offered by the owner, which is below market valuation for the property, and the cost paid in the project capital budget. Bill Murphy, Director of Recreation, Parks & Grounds, Buildings & Facilities (See page 85)

b) Proposed Amendment to Policy RC4 Committees:

Committee recommends that Council approve the proposed amendments to the RC4 Committees Policy as outlined in the staff report dated October 2, 2015. Deborah Campbell, Municipal Clerk (See page 91)

6. REPORTS:

6.1 Election of Deputy Mayor: Deborah Campbell, Municipal Clerk (See page 114)

6.2 Appointment of the Nominating Committee: Deborah Campbell, Municipal Clerk (See page 117)

6.3 Financial Statements to August 31st, 2015: Marie Walsh, Chief Financial Officer (See page 118)

7. BY-LAWS, RESOLUTIONS & MOTIONS:

7.1 By-Laws: N/A

7.2 Proclamations:

a) Pancreatic Cancer Awareness
Councillor Eldon MacDonald (See page 120)

b) Diabetes Awareness Month
Councillor Ivan Doncaster (See page 121)

Continued

Proposed Amendments to Policy RC4 Committees:

Motion:

Moved by Councillor MacLeod, seconded by Deputy Mayor George MacDonald, that a recommendation be made to Council to approve the proposed amendments to the RC4 Committees Policy as outlined in the staff report dated October 2, 2015 as presented.

Motion Carried.



M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-6010

To: General Committee
From: Deborah Campbell, Municipal Clerk
Date: October 2, 2015
Subject: Proposed Amendments to Policy RC4 Committees

Attached please find the CBRM RC4 Committees Policy with proposed amendments to reflect the adoption of the General Committee governance system. Also attached is the current Policy for comparison purposes.

The General Committee governance system was approved in 2013 by Council following a trial period using the Committee of the Whole structure. The General Committee has replaced the former main standing committees, namely Protective Services, Public Services, Corporate Services, Planning Advisory and the Water Utility Committees.

These amendments are being presented as a housekeeping issue, noting in particular the following changes:

1. All sections of the Policy are now numbered.
2. The Fire and Emergency Services Committee has been added to the list of Standing Committees (Section 1), and the Terms of Reference for the Committee can be found in Section 19.
3. In Section 2, the meeting schedule for the Police Commission has been added for clarity. I am also recommending that the term of the Chair of the Commission be two consecutive years, and that the Chair shall represent the CBRM on the Nova Scotia Association of Police Boards.
4. New Section 3 which outlines the powers of the General Committee.
5. New clause "Residual Power" regarding the ultimate power of Council.
(see Section 4)

continued...

Memo to General Committee

October 2, 2015

Proposed Amendments to Policy RC4 Committees

Page - 2

6. In Section 12, I am recommending that the Nominating Committee be appointed in October of each year instead of November. The main reason for this change is to accommodate the meeting schedules of the Police Commission and Fire and Emergency Services Committee (i.e. new membership for the December meetings). It is also noted that the membership of the Nominating Committee shall consist of the Mayor and at least five Councillors which is reflective of past practice.
7. The membership of the Audit Committee has been added to Section 20.
8. Reference to the Pension Committee has been added (see Section 22).
9. External Agencies and Committees (Section 23) – This new clause is reflective of the Council motion stating that direct representation by Council members on external agencies and committees will not be provided, with a few exceptions as noted.

We have added the Nova Scotia Solid Waste-Resource Management Regional Chairs Committee to this section, with a recommendation that the Council representative be appointed for a two year term. This coincides with the recommendation made by Manager of Solid Waste in his Issue Paper presented to the General Committee on December 2, 2014.

In addition to the RC4 Committees Policy, there are a number of CBRM Policies and By-laws that require minor changes to reflect reference to the General Committee instead of one of the former standing committees (see list in Appendix "A"). It is my intention to circulate the Policies and By-laws to senior staff and Council to determine if there are additional changes required. Those Policies and By-laws with proposed amendments will be presented to future Committee/Council meetings for consideration.

Staff Recommendation:

I recommend that the proposed amendments to the RC4 Committees Policy as outlined in the attached revised Policy be recommended to Council for approval.

Yours truly,

ORIGINAL SIGNED BY

**Deborah Campbell
Municipal Clerk**

Attachments

Appendix "A"

CBRM Policies and By-laws requiring amendments re: reference to General Committee

Policies

- Constructive Discipline Policy
- Employee Assistance Program Policy
- Reporting of Accidents WCB Policy
- Civic Addressing Policy
- Get Well & Bereavement Acknowledgement Policy
- Meeting Rooms Usage Policy
- Photocopier Service Policy
- CBRM Planning Fees Policy
- Property Management Policies

By-laws

- * Building By-Law
- * Civic Addressing By-law
- * Parking Meter By-law
- * Taxi By-law
- * Vending Machines By-law
- * Vendors and Traders of Goods By-law

CAPE BRETON REGIONAL MUNICIPALITY

Resolution RC4

COMMITTEES

1. Standing Committees

The following standing committees shall be appointed every two years:

Fire and Emergency Services Committee
Audit Committee
Heritage Advisory Committee

2. Police Commission

Some members of the CBRM Council will also be sworn as Police Commissioners for a two year term. The Police Commission will act autonomous of Council and will carry out the prescribed responsibilities as outlined in the Cape Breton Regional Municipality By-laws governing the operation of its Police Commission and the Nova Scotia *Police Act*. The Commission shall meet on a quarterly basis (i.e. March, June, September and December), with the proviso that a special meeting could be called by the Chair should a pressing issue arise. (Police Commission – February 25, 2014). The Chair shall be selected by the Commission at the December meeting for a term of two consecutive years. The Chair shall also represent CBRM on the Nova Scotia Association of Police Boards.

3. General Committee

Following a trial period utilizing a Committee of the Whole system, the General Committee replaced the Protective Services, Public Services, Water Utility, Planning Advisory and Corporate Services Committees (Council - February 19, 2013). General Committee membership is comprised of all members of Council and chaired by the Mayor. The General Committee was empowered with certain decision-making powers as per Section 23(1)(c) of the *Municipal Government Act* (MGA) (Council – April 16, 2013). The delegated powers include:

- a. Declaring CBRM property as surplus to the needs of the Municipality in accordance with the CBRM Property Management Policies;
- b. Building Inspection;
- c. Development;

- d. Animal Control
- e. Non-service delivery revenue i.e. licenses, permits, etc.
- f. Public Works;
- g. Engineering;
- h. Transit;
- i. Solid Waste Collection and Disposal;
- j. Parks and Recreation;
- k. Oversight of the CBRM Water Utility operation, including Regulatory Responsibility, Service Procedures, Rate Structure, Budget Preparation for Council consideration, and recommendations on Capital Projects;
- l. will make decisions on all issues pertaining to the legislative branches of government, including:
 - i. The Chief Administrative Officer's Department
 - ii. The Clerk's Department
 - iii. Solicitor
 - iv. Finance Department
 - v. Human Resources
 - vi. Economic Development Initiatives
- m. Issues relating to fiscal services;
- n. Oversight of the business operation of Centre 200 and the Northside Industrial Park;
- o. Advise the Council in the preparation, amendment or revision of planning strategies, land-use by-laws, and subdivision by-laws and on land use matters generally, and to carry out the functions of a Planning Advisory Committee pursuant Sections 200-203 of the *MGA*;
- p. The General Committee will report to Council periodically during the year concerning:
 - financial status, actual vs. budget
 - to seek approval for deviation from approved policy
 - departmental performance issues.

4. Residual Power

In recognition of the ultimate power of the Council, especially on occasions when it would be prudent to retrieve an issue from the General Committee, CBRM Council reserves the right to require an issue to be returned to Council in formal session.

5. Committee Chair

The position of Chair of each standing committee shall be rotated annually unless otherwise directed in this or another CBRM Policy.

6. Policies, By-Laws and Budgets

Council shall approve policies, by-laws and budgets for each of its standing committees which will govern the action of the standing committees.

7. Members of Standing Committees

Except when otherwise provided by these By-laws or any statute, all standing committees consist of a minimum of three councillors who shall be appointed for a two year term. It shall be a guideline to strive for at least one half of the membership of committees to rotate off every second year to maintain continuity.

8. Mayor

The Mayor is an ex-officio voting member of all Committees except the Audit Committee and the Police Commission.

9. Special Committees

- (1) Special or select committees may be appointed on motion, by recorded resolution, at any time.
- (2) Upon presenting its final report to Council on matters referred to it, a special or select committee is dissolved.

10. Citizen Advisory Committees

The Council may from time to time appoint citizen advisory committees to advise the Council on the subjects and at the times set out in the resolution establishing the committee.

11. No Additional Remuneration

No member of a committee is entitled to remuneration for serving on the committee.

12. Nominating Committee

(1) At the first regular meeting of Council held, after the Election, and at the first regular meeting of Council held in October and every two years thereafter, the Council shall appoint, or authorize the Mayor to appoint, the Nominating Committee. The Committee shall consist of the Mayor and at least five (5) Councillors.

(2) Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve for the next two years on the standing committees and external agencies/committees.

(3) The Nominating Committee shall also meet as required to deal with citizen appointments and any vacancies on Committees.

(4) With respect to the appointments of citizens to Committees, the following selection process shall be used:

- While the meetings of the Nominating Committee are open to the public, the proceedings will not be live streamed or videotaped when dealing with citizen appointments.
- The background information for the applicants will not be attached to the public agenda.
- A matrix of the applicants identified by name and number, noting their qualifications and experience in the related field, will be provided to the Nominating Committee.
- Discussion by the Committee will be non-specific, referring to the candidates by number and not by name.
- Recommendations to Council will refer to the candidate number, and once the citizens have accepted the positions and any required background checks have been completed, their names will be released at a subsequent open meeting.

(5) The Council may ratify the report of the nominating committee or may substitute the name of any person instead of the person nominated by the committee.

13. Non-Committee Council Members

Council members not serving on Committees will not be permitted to participate in the Committee debate or the vote, but are authorized to make comments, presentations and participate at Committee meetings.

14. Committee Procedure

(1) Unless otherwise determined by statute or by-law, the members of a committee shall at their first meeting following the appointment of the committee choose a chair and a vice-chair from among their number.

(2) The Clerk shall call the first meeting of any committee after its appointment on the request of the Mayor or a majority of the members of the committee.

(3) The procedures to be followed by any committee are those prescribed by the rules of order resolution.

(4) A majority of the members of a committee is a quorum.

(5) All meetings of a committee are public except meetings to discuss matters related to personnel, land acquisition, legal opinions and other similar matters as outlined in Section 22(2) of the Nova Scotia *Municipal Government Act*.

15. Vacancies in Committees

(1) A councillor appointed to a committee ceases to be a member of the committee upon ceasing to be a councillor.

(2) The Council may by majority vote remove any member from a committee, remove any committee, or remove any member of a board or commission appointed by the Council.

(3) The Council shall fill any vacancy occurring in any committee or with respect to any person appointed by the Council as soon as practicable after the vacancy occurs.

16. Council Authority

The Council may confirm, alter, modify or annul any act, requirement or direction of any committee.

17. Committee Reports

(1) The report of a committee shall be in writing and signed by the Chair.

(2) When there is a difference of opinion among the members of the committee, the minority may report their views in writing to the Council, if they see fit.

18. Duties of Standing Committees

It is the general duty of all standing committees:

- (a) to report to the Council from time to time, whenever desired by the Council and as often as the interests of the Regional Municipality may require, on all matters connected with the duties imposed on them;
- (b) to carry out action in relation to those matters connected with their duties as may be deemed necessary;
- (c) to draft and introduce for Council consideration and adoption of the by-laws, policies and budgets necessary to empower Committees to carry out their mandate;
- (d) to consider and report on any and all matters referred to them by the Council or the Mayor;

19. Fire and Emergency Services Committee

The Terms of Reference for the Fire and Emergency Services Committee is as follows: (Council - August 19, 2014):

Mission

The mission of the Fire and Emergency Services Committee is to manage community risk through a system of engineering, enforcement, education and consultation; and to provide a standard of emergency response meeting the defined needs of the CBRM.

Committee Structure

The Committee shall consist of five (5) members of Council. The Deputy Mayor is to serve as Chair with the annual election of a Vice Chair. Half of the Committee members are replaced every two years to maintain Committee continuity.

Committee Duties

The Committee is to report to Council, carry out the requests of Council, conduct research, create draft bylaws, policies and budgets for Council's consideration, and provide an annual report to Council on the state of service delivery including recommended service direction.

Areas of Responsibility

The Fire and Emergency Services Committee will accomplish their mission through their oversight and recommendations to Council pertaining but not limited to the delivery of:

1. Registration of Fire Services;
2. Registration of Emergency Service;

3. Volunteer Support;
4. Fire Service Operations;
5. Fire - Emergency Services;
6. Fire Service Prevention;
7. Fire Service Training;
8. Emergency Management; and
9. Budget.

Proposed Meeting Schedule

Meetings will be held **bi-monthly** or more frequently as determined by the Chair. When possible, meetings will be held on the second Wednesday of the month commencing at 10:00 a.m.

20. Audit Committee

The Audit Committee shall be appointed in accordance with the provisions of the Audit Committee Policy to perform the duties and exercise the powers prescribed by the Audit Committee Policy in accordance with the *Municipal Government Act*.

21. Heritage Advisory Committee

The Heritage Advisory Committee shall be appointed in accordance with the provisions of the Heritage Property By-Law to perform the duties and exercise the powers prescribed by the Heritage Property By-Law and the *Heritage Property Act*.

22. External Agencies and Committees

While Council supports the efforts of external agencies and committees within CBRM and acknowledge the exemplary service provided to the community, it is the Policy of CBRM that direct representation by Council members will not be provided, with the exception of the following organizations (or by future motion of Council), to which the required number of Councillors will be appointed for a two year term unless otherwise stated:

- Cape Breton Regional Library Board (3 members);
- Pitu'paq (one member);
- Nova Scotia Solid Waste-Resource Management Regional Chairs Committee (one member);

Members of Council are at liberty to offer their service to community organizations as a citizen of the Municipality (Council - June 18, 2013).

23. Appeals Standing Committee

The Terms of Reference for the Appeals Standing Committee shall be as follows:

Purpose:

- a. The purpose of the Appeals Standing Committee is to provide a single forum for the hearing of certain appeals of decisions by staff of the Municipality and other duties as assigned.

Composition:

- b. The Appeals Standing Committee shall consist of all members of Council.
- c. The Mayor will be the Chair and the Deputy Mayor will be the Vice-Chair of the Appeals Standing Committee.

Duties and Responsibilities:

- d. To hear appeals as delegated to the Committee by the Council, including, but not limited to, appeals in accordance with the dangerous and unsightly premises provisions in Part XV of the *Municipal Government Act*; appeals in accordance with the CBRM Taxi By-law (as authorized under Section 305 of the *Motor Vehicle Act*); to issue demolition orders in accordance with the dangerous and unsightly premises provisions in Part XV of the *Municipal Government Act*; and appeals in accordance with the CBRM Tow Truck Licencing By-law.

Administration and Procedures:

- e. The Appeals Standing Committee shall meet as required to fulfil its duties and responsibilities, and within sixty (60) days from the date the Clerk is in receipt of:
 - an appeal of a decision of staff; or
 - a Notice of Staff Intent to Request an Order to Demolish; or
 - a request by an owner to appear and be heard pursuant to Section 346(3) of the *Municipal Government Act*.
- f. While the meetings of the Appeals Standing Committee are open to the public, the proceedings will not be live streamed or videotaped, and the background information for the agenda items will not be posted on the CBRM website.

Approved by Council August 1, 1995

As amended by Council:

- **May 21, 1996**
- **Occupational Health and Safety Committee deleted as per motion of Council**
- **December 17, 1996**
- **November 28, 2000**
- **December 18, 2001 (quorum at Planning Advisory)**
- **February 17, 2004 (creation of Water Utility Committee)**
- **March 11, 2005 (various amendments)**
- **January 19, 2010 (re: Police Commission)**
- **October 20, 2015 (General Committee and other amendments)**
- **June 19, 2017 (Appeals Standing Committee)**
- **July 18, 2017 (meeting date for Fire and Emergency Services Committee)**
- **June 26, 2018 (Council appointment term 2 years)**
- **March 12, 2019 (Fire & Emergency Services Committee – changes to schedule)**
- **May 21, 2019 (Nominating Committee procedure – citizen appointments)**
- **July 14, 2020 (Deletion of Pension Committee)**

CAPE BRETON REGIONAL MUNICIPALITY

By-Law S1

BOARD OF POLICE COMMISSIONERS

“Board” means the Local Board of Police Commissioners for the Cape Breton Regional Municipality (CBRM). “Council” means the Council of the Cape Breton Regional Municipality Council.

1. The Council shall appoint the Board of Police Commissioners for the Regional Municipality.
2. The Board shall be composed of seven members as follows:
 - Three CBRM Councillors, and
 - Three CBRM Citizen Appointees, and
 - One Provincial Citizen Appointee appointed by the Minister as per Section 44 (1), (4).
3. The Rules of Order of the Board of Police Commissioners is the same as for committees of the council.
4. Each member of the Board shall take an Oath of Office or Affirmation as prescribed by Regulations and adhere to a code of conduct.
5. No member of the Board of Police Commissioners is entitled to remuneration for acting as such.
6. Each member of the Board of Police Commissioners is entitled to reimbursement of expenses actually incurred on the business of the police commission or for attending meetings as prescribed by the expense reimbursement policy of the Regional Municipality.
7. The Board shall meet publicly except as otherwise prescribed by the *Police Act*, that is, to discuss matters relating to discipline, personal conduct, contract negotiations and security of police operations.
8. The Board shall meet at the call of the chair (usually monthly) and in any event at least once every three months.
9. A majority of the members constitutes a quorum.

10. The Chief of Police, the Associate Chief of Police, and the CAO are entitled and required when practicable to attend all meetings of the board of police commissioners.
11. It is the purpose of the board of police commissioners to act on behalf of the Council with respect to the administrative direction, organisation and policy required to provide efficient and sufficient policing services for the Regional Municipality.
12. In respect to preparation of the Police Department Annual Budgets & Estimates, Section 53 is the legislative direction to be followed which acknowledges that the "Council" offers final approval of the Police Budget.
13. The Chief of Police shall appoint, promote, suspend, dismiss or reinstate all officers and other employees necessary to provide police services within the financial resources allocated by the Council as per Section 38 (4) (5).

PASSED AND ADOPTED by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipality Council held on the 17th day of October, 1995 and amended on the 20th day of June , 2006.

MAYOR

CLERK

This is to certify that the attached is a true and correct copy of the Board of Police Commissioners By-law of the Cape Breton Regional Municipality adopted by Council on the 17th day of October, 1995, and amended on the 20th day of June, 2006.

Clerk

Ministerial Approval: Department of Justice November 29, 2006;
Service NS & Municipal Relations December 20, 2006

Publication Date: January 11, 2007



CBRM

A Community of Communities

Cape Breton Regional Municipality

Cape Breton Regional Municipality Audit Committee Policy

1.0 PURPOSE:

The Audit Committee assists Municipal Council in fulfilling its oversight responsibilities relating to finance and audit matters delegated to management by Council. In particular, the Committee assists Council by reviewing:

- a. Key financial information that will be provided to the Province or made public;
- b. External and/or internal audit activities
- c. The system of internal controls, risk management and financial information technology;
- d. Cash and investment management activities;
- e. Insurance coverage and significant risks and uncertainties;
- f. Financial Condition Indicators.

2.0 SCOPE:

This Policy is applicable to all serving members of the Cape Breton Regional Municipality's Audit Committee.

3.0 REFERENCES:

- 3.1 *Nova Scotia Municipal Government Act (MGA).*

4.0 DEFINITIONS:

- 4.1 **CAO** means the Chief Administrative Officer for the Cape Breton Regional Municipality.
- 4.2 **CFO** means the Chief Financial Officer of the Cape Breton Regional Municipality.
- 4.2 **Independent** means not an employee, council member or immediate family member; and not an employee of an agency funded in whole or in part by CBRM.

5.0 POLICY, DUTIES AND RESPONSIBILITIES:

5.1 Composition

It is the responsibility of Council to ensure that audit committee members are independent, financially literate, and have the skills to serve as effective audit committee members:

- a general understanding of the Municipality's major economic, operating, and financial risks;
- a broad awareness of the interrelationship of the Municipality's operations and its financial reporting;
- understand the difference between the oversight function of the Committee and the decision-making function of management; and
- a willingness to challenge management, when necessary.

5.1.1 The audit committee will consist of 7 members – the Deputy Mayor, 4 Council members and two members at large.

5.1.2 The Chair shall be the Deputy Mayor.

5.1.3 Citizen appointments shall be residents of the Cape Breton Regional Municipality, be independent, and possess a professional accounting designation.

5.1.4 Citizen appointments will serve 2 year terms and will rotate off in opposite years to maintain continuity. In the first year, one of the members at large will sit for a two year term with an option to extend for an additional 1 year term.

5.1.5 All Committee members serve without pay.

5.2 Audit

5.2.1 Review the qualifications, independence, quality of service, performance and fees of the External Auditors annually and recommend the appointment of an auditor to Council;

5.2.2 Carry out the responsibilities of an Audit Committee contained in Section 44 of the Municipal Government Act;

- a. Review with Management and the External Auditor, the annual audited financial statements and recommend the approval to Council;
- b. Review with Management, the internal control management letter received from the auditors and recommend any changes to Council, as required;
- c. Review of such matters arising out of the audit as may appear to the audit committee to require investigation;
- d. Inquire into any activities or transactions that may be illegal, questionable or unethical;
- e. Review the overall reasonableness of CAO, Mayor and Council travel and hospitality expenses;
- f. Such other matters as may be determined by Council to be the duties of an audit committee.

5.2.3 Recommend approval of the audited financial statements to Council.

5.3 Finance and Risk Management

5.3.1 Ensure that meaningful financial information regarding current financial results and up to date forecasts is received on a timely basis, and that it provides information required for decision making;

5.3.2 Review with Management annually all financial policies including those used in the preparation of the external financial statements;

5.3.3 Review with Management the adequacy of internal controls;

5.3.4 Review with Management the adequacy and use of reserve and surplus funds;

5.3.5 Review with Management annually risk management practices including adequacy of insurance coverage for significant risks and uncertainties.

5.3.6 Periodically assess banking services, oversee the procurement of these services in accordance with Council policy, and recommend any changes to Council.

5.4 Administration

5.4.1 The Committee shall meet at least twice during each fiscal year.

5.4.2 Additional meetings may be necessary to review items relating to the audit and will be called by the Chair.

5.4.3 The CAO and CFO will provide staff support to the Committee.

5.4.4 The agenda will be agreed upon by the Committee Chair, CAO, and CFO.

5.4.5 The Committee shall meet with the external auditors as it deems appropriate to consider any matter the Committee or auditors determine should be brought to the attention of Council;

5.4.6 There may be an occasional need for the auditor to meet with the Committee without staff present. This can be initiated by either party.

5.4.7 The Committee may also call upon the expertise from external sources (e.g. actuaries, finance professionals) to assist with committee business as required.

Approved by Council: March 7, 2018

CAPE BRETON REGIONAL MUNICIPALITY

Bylaw C3

HERITAGE PROPERTY

1. In this Bylaw:
 - (a) "Council" means the Council of the Cape Breton Regional Municipality;
 - (b) "Clerk" means the Clerk of the Cape Breton Regional Municipality;
 - (c) "Act" means the *Heritage Property Act*;
 - (d) "Committee" means the Heritage Advisory Committee, established pursuant to the *Heritage Property Act* and this Bylaw;
 - (e) "Regional Municipality" means the Cape Breton Regional Municipality (CBRM);
 - (f) "Heritage Officer" means a CBRM employee appointed by Council pursuant to the Act."

2.
 - (a) The Heritage Advisory Committee is composed of a minimum of seven and a maximum of ten members appointed by Council for a term of two years.
 - (b) At least two members of the Committee shall be members of the Council and at least three but no more than seven members shall be members of local historical societies or individuals who have in the opinion of the Council otherwise demonstrated active concern for the preservation of buildings of historic significance.
 - (c) The Committee has the powers and duties of a Heritage Advisory Committee pursuant to the Act.
 - (d) The Committee shall be governed, where not inconsistent with the Act or this Bylaw, by the general rules of procedure applicable to committees as contained in the Bylaws of the Regional Municipality.

3. The Heritage Officer shall establish and maintain at the business office of the Regional Municipality, a Registry of Heritage Property, where all prescribed documents relating to

the registration of Heritage Property pursuant to the Act or this Bylaw shall be filed. The registry shall:

- (a) be maintained and updated by the Heritage Officer;
- (b) be properly indexed;
- (c) be accessible to the public at no charge during regular business hours at the Regional Municipality Offices.

4. The Registry of Heritage Property shall contain:

- (a) a description of any building, streetscape or area registered by the Council pursuant to the *Heritage Property Act*;
- (b) the recommendation for registration, all notices pursuant to the registration, recording particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the *Heritage Property Act*;
- (c) all applications for permission to make a substantial alteration to the exterior appearance, or to demolish, a registered building, streetscape or area, together with the particulars of the recommendations of the Heritage Advisory Committee thereon and the particulars of the disposition thereof;
- (d) in a separate section, all buildings, streetscapes and areas for which registration has been recommended by the Heritage Advisory Committee but on which a decision to register has not been made;
- (e) in a separate section, all buildings, streetscapes and areas for which registration was recommended by the Heritage Advisory Committee but which Council determined not to register.

5. All properties registered by a municipal unit incorporated within the Regional Municipality shall be considered to have been registered pursuant to this bylaw and be included within the Registry of Heritage Property.

6. Notice of a recommendation by the Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.

- 7. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act and the registration shall be in the form specified in Schedule "B", attached hereto.

- 8. Council may from time to time establish and amend guidelines for the registration of property as a Municipal Heritage Property, and the Heritage Advisory Committee shall, in making recommendations, take the guidelines fully into account.

Passed and adopted by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on October 17, 1995, and amended on April 17, 2007, and March 12, 2019.

Mayor Cecil P. Clarke

Deborah Campbell Ryan, Clerk

This is to certify that the attached is a true and correct copy of the Heritage Property Bylaw of the Cape Breton Regional Municipality adopted by Regional Council during a meeting held on October 17, 1995 and amended on April 17, 2007 and March 12, 2019.

Deborah Campbell Ryan, Clerk

DATE OF ADVERTISEMENTS: **October 27, 1995**
July 10, 2007 (amendment)
June 22, 2019 (amendment)

SCHEDULE "A"**NOTICE OF RECOMMENDATION****TO REGISTER A MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been recommended for registration in the registry of heritage property for the Cape Breton Regional Municipality.

The property has been recommended for registration [here set out reason for recommendation].

The **Heritage Property Act** provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property. For further information refer to the **Heritage Property Act**.

The **Heritage Property Act** further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Regional Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to the Act.

Dated at _____ this _____ day of _____ 2_____.

Per:
Regional Municipality Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

ON THIS _____ day of _____, A.D., 2_____, before me, the subscriber, personally came and appeared _____ the subscribing witness to the foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper officer in h _____ presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.

SCHEDULE "B"**NOTICE OF REGISTRATION****MUNICIPAL HERITAGE PROPERTY****Cape Breton Regional Municipality**

Pursuant to Section 14 of the **Heritage Property Act**, R.S.N.S. 1989, c. 199, the **Cape Breton Regional Municipality** hereby gives notice that the property of [insert name of owner], [insert brief description and address], [insert legal description], has been registered in the registry of heritage property for the Cape Breton Regional Municipality.

The **Heritage Property Act** provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Regional Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Regional Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Regional Municipality may grant or refuse permission or attach conditions;
- 5) Where the municipality does not approve the application, the property owner may, notwithstanding Section 17 of the Heritage Property Act, make the alteration or carry out the demolition at any time after three years from the date of the application but not more than four years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Regional Municipality to apply for an order directing the restoration of the property.

For further information refer to the **Heritage Property Act**.

A copy of this notice has been recorded at the Registry of Deeds for the County of Cape Breton pursuant to s. 15(3) of the Act.

DATED at Sydney, Nova Scotia, this [date].

Cape Breton Regional Municipality

Per:
Clerk

PROVINCE OF NOVA SCOTIA)
COUNTY OF CAPE BRETON SS)

ON THIS day of , A.D., 2____, before me,
the subscriber, personally came and appeared the subscribing witness to the
foregoing Notice, who, having been by me duly sworn, made oath and said that **THE CAPE
BRETON REGIONAL MUNICIPALITY**, a municipal body corporate, caused the same to be
executed in its name and on its behalf, and its corporate seal to be thereunto affixed by its proper
officer in h presence.

Schedule "A" should contain the legal description of the property sought to be registered as taken from the deed.



CBRM

A Community of Communities

Cape Breton Regional Municipality

Cape Breton Regional Municipality Diversity Committee Governance Policy

1.0 MEMBERSHIP:

The Cape Breton Regional Municipality Diversity Committee shall consist of twelve voting members:

# of Members	Committee Structure	Term (years)
1	African Nova Scotia Community	2
1	Mental Health Community	2
1	New Comer Community	2
1	First Nation Community	2
1	Women's Group	2
1	Disability Community	2
1	Gay, Lesbian and Transgendered Community	2
1	Cape Breton University	2
1	Cape Breton Victoria Regional School Board	2
3	Community Member at Large	2
TOTAL 12		

2.0 METHOD OF APPOINTMENT:

All representatives shall be appointed by the Council following a publication of a notice calling for members to fill these positions. Members may reapply for the representative positions. Members may be appointed as individuals or as representatives of a registered non-profit organization.

3.0 MEETINGS:

The Cape Breton Regional Diversity Committee shall meet monthly if possible. Agendas should be circulated one week prior to the meeting.

The Committee shall designate one of the meetings as an Annual Meeting. This meeting could be used for such things as an annual report of activities or committee work over the past year, setting goals for the upcoming year and as a time to recognize outgoing members.

The committee will be responsible to elect both a chair and a recording secretary.

4.0 ROLE:

The Cape Breton Regional Municipality Diversity Committee will work in partnership with the community as a whole. The committee will embrace and promote diversity and understanding within economic, social and cultural development of the community.

The Committee will bring to light issues relating to diversity within the community; ensure information relating to the community is brought to the Committee which will present the information to the greater community; and develop advocacy approaches to issues relating to the community.

The Committee shall:

- Commit to the principle that everyone is equal in dignity and rights,
- Promote the principle of equal opportunity and mutual exchange of feelings, ideas and opinions,
- Create an enduring atmosphere of diversity and all that it encompasses by increasing accessibility, employment equity and human rights awareness.

5.0 RESOURCE STAFF:

The CBRM Director of Human Resources or designate will be the CBRM staff resource for this committee.

The following government departments and agencies shall be invited to attend the meetings to assist on issues arising within the committee i.e.:

- Cape Breton District Health Authority
- Cape Breton Regional Police Services
- Nova Scotia Human Rights Commission

6.0 CHAIR OF THE COMMITTEE:

The Chair should be appointed at the annual general meeting by election or acclamation. The chair may serve multi year terms with a maximum of three consecutive years.

7.0 QUORUM:

The quorum of the Cape Breton Regional Municipality Diversity Committee shall be five (5) members.

8.0 RULES OF ORDER:

The procedural rules of the Committee shall be the same as the rules of order used by the CBRM Council and its committees.

9.0 GENERAL RULES OF ORDER:

In all cases where procedure is in question, the Committee shall be governed by Robert's Rules of Order.

Approved by Council: May 17, 2011
Amended: August 15, 2017

Cape Breton Regional Municipality

Recorded Resolution RC1

RULES OF ORDER

1 Order

- (1) The Mayor or other presiding officer shall preserve order and decorum at all Council meetings and shall decide all questions of order, subject to appeal to the Council.
- (2) When the Mayor or presiding officer is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and the Mayor shall briefly cite the rule or authority applicable to the case.
- (3) The Mayor may, before ruling on a point of order, consult the solicitor of the Regional Municipality as to the applicable law.
- (4) It is the right of a member to call another member to order.
- (5) Where a member calls another member to order, the member must state the point of order clearly and succinctly and it will be for the presiding officer to decide whether the point is well taken.
- (6) An appeal may be taken from the decision of the presiding officer by any member of the Council.
- (7) When an appeal is taken from the decision of the presiding officer, the presiding officer shall first state the decision and ad, "The question is: Shall the decision of the Chair stand?"
- (8) When any question of order or practice is raised, it must be decided before further proceeding with the question in discussion.
- (9) When any matter of privilege arises, it must be considered immediately.
- (10) If the Mayor desires to leave the chair for the purpose of taking part in the debate or otherwise, the Deputy Mayor or another member of the Council shall fill the Mayor's place until the Mayor resumes the Chair.

Recorded Resolution RC1
Rules of Order

- (11) If any member of the Council or any other person in attendance at a meeting of the Council persists in disturbing the conduct of the meeting, the Mayor or other presiding officer may (subject to an appeal to the Council) require that person to leave the meeting and may direct a police officer of the Regional Municipality to carry out the order.
- (12) If the Mayor or other presiding officer determines that it is not possible to maintain order at any meeting of the Council, the Mayor or other presiding officer shall adjourn the meeting.

2 Rules of Conduct and Debate

- (1) Every member shall, in speaking to any question or motion, address the Chair.
- (2) When two or more members evidence an intention to speak, the presiding officer shall call upon the member who first showed such an intention, subject to a motion to hear another member.
- (3) No member shall use offensive words in or against the Council or any member thereof, nor shall the member speak beside the question in debate.
- (4) No member shall infringe the rules of the Council or disobey the decision of the presiding officer or of the Council on any question of order or practice, or upon the interpretation of the rules of the Council.
- (5) Where a member infringes the rules of the Council or disobeys the decision of the presiding officer or of the Council, the member may be ordered by the presiding officer or by resolution of the Council to leave that meeting, but if the Council accepts an apology by the offender, the member may be permitted to remain.
- (6) A member called to order by the presiding officer shall immediately cease speaking, except to explain, and the Council if appealed to shall decide the matter without debate.
- (7) No member shall pass between any member who is speaking and the presiding officer, nor shall a member interrupt any member who is speaking except to raise a point of order.

Recorded Resolution RC1
Rules of Order

- (8) Any member may require the question or motion in discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- (9) (a) Council members are permitted to speak up to two times to the same question without leave of the Council; the first time for a maximum of five (5) minutes and the second time for two (2) minutes, except for significant issues at special meetings during which Council members will be permitted to speak up to fifteen (15) minutes. Staff responses to questions by Councillors shall be counted in the speaking time.
- (b) A reply is allowed to a member who has made a substantive motion to the Council, but not to any member who has moved an amendment.
- (c) If a Council member exceeds the speaking time, any Council member can call a point of order and the Mayor will uphold the ruling that the speaking times be adhered to.
- (10) Every question shall be decided by a vote of yeas and nays and the presiding officer shall state whether the motion has been carried or defeated.
- (11) Every public vote on a motion is a recorded vote and is to be released as part of the televised and/or web-streamed broadcast. A paper copy of the results of a recorded vote is to be made available upon request. The staff will make such requests for paper copies available in as reasonably and timely manner as possible and a copy of the recorded vote will be available upon request.
- The above process does not apply to the limited type of motions made in closed or in camera sessions duly called under provisions noted in Section 22 of the *Municipal Government Act*.
- (12) When the question in consideration contains distinct propositions, upon request of any member, a vote upon each proposition shall be taken separately.
- (13) Every member of the Council present when a question is put shall vote unless:
- (a) the member has declared a conflict of interest in the subject of the question pursuant to the *Municipal Conflict of Interest Act*, or
- (b) the Council has excused the member from voting.

Recorded Resolution RC1
Rules of Order

- (c) Refusal to vote shall be recorded as voting in the negative, as per the *Municipal Government Act*.
- (d) Council will not excuse members from voting unless in Conflict of Interest situations.
- (14) Subject to the *Municipal Conflict of Interest Act*, the Mayor shall vote on all questions before Council.
- (15) After the question is put, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared; the decision of the presiding officer as to whether the question has been put is conclusive.
- (16) Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of the Council the presiding officer shall apprise the members immediately without putting the question and shall cite the rule or authority applicable to the case without argument or comment.
- (17) The Mayor or presiding officer may, at the beginning of any meeting or at any time except when a question is actually under debate, bring any matters as the Mayor or presiding officer may have in charge or may consider desirable before the Council.

3 Motions

- (1) Any member of Council may require that a motion be in writing except a motion to adjourn, to lay on the table, to postpone to a certain time, to refer or to move the previous question.
- (2) A motion shall be seconded before being debated or put to the questions.
- (3) A motion may be withdrawn by the mover with the consent of the seconder at any time before decision or amendment.
- (4) When a question is under consideration, no motion shall be received except:
 - 1. To adjourn.
 - 2. To lay on the table.
 - 3. To postpone to a certain time.
 - 4. To refer.

Recorded Resolution RC1
Rules of Order

5. To amend.
6. To move the previous question.

These several motions shall have precedence in the order in which they are named.

- (5) A motion to adjourn shall always be in order, except:
 1. When a member is in possession of the floor.
 2. When the ayes and nays are being called.
 3. While the members are voting.
 4. When "to adjourn" was the last preceding motion.
- (6) No expression of opinion or qualification shall be made with a motion to adjourn the Council or the debate.
- (7) The following questions shall be decided without debate or amendment:
 1. A motion to reconsider.
 2. All motions as to priority of business or as to the suspension of the general order of the day.
 3. An application to speak more than the prescribed number of times.
 4. A motion to allow any person other than a member of the Council to address the Council.
 5. The previous question.
 6. A motion to adjourn.
 7. A motion to postpone to a certain day.
 8. A motion to lay on the table.
- (8) An amendment may only be amended once.
- (9) Amendments shall be put in the reverse order to that in which they are moved.

Recorded Resolution RC1
Rules of Order

4 **Minutes**

- (1) The Clerk shall keep Minutes of the procedures of every meeting of the Council in a properly indexed Minute Book and/or digital record system.
- (2) The Minutes shall:
 - (a) contain all resolutions and motions passed, with the names of the movers and seconders, and
 - (b) mention reports, petitions and other papers submitted to the Council by their respective titles only, or by a brief description of their purport.
- (3) The Minutes shall not include any lengthy report of any debate in the Council, but a summary of the main points raised for and against the question may be included at the discretion of the Clerk.
- (4) The first order of business at any regular meeting of Council shall be the passing of the Minutes of the preceding regular meeting and any special meetings held since the last regular meeting of the Council.
- (5) The Minutes as approved or as corrected and approved shall be signed by the Mayor and the Clerk.

5 **Resolutions Involving Extraordinary Expenditures**

All resolutions involving and expenditure not definitely arranged for in the estimates shall be laid on the table as a Notice of Motion to be discussed at a subsequent meeting. No such resolution shall be voted upon at the same meeting at which it is introduced unless the Chief Administrative Officer recommends in favour of the expenditure and the Council by a two-thirds vote of the members then present approved the expenditure.

6 **Reconsideration**

- (1) After any question has been decided either in the affirmative or negative, any member may, at the same meeting, or at the first meeting thereafter, move for a reconsideration thereof. No discussion of the main question shall be allowed unless the motion to reconsider has passed.
- (2) No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

7 Rescind; Amend Something Previously Adopted

- (1) The Council can change an action previously taken or ordered by:
 - (a) Motion to rescind can be used to strike out an entire main motion that has been adopted at some previous time; or
 - (b) Motion to amend something previously adopted can be used if it is desired to change only a part of the text, or to substitute a different version.
- (2) Two-thirds majority vote is required on a motion to rescind or motion to amend something previously adopted. However, a simple majority vote is only required if notice of intent to make the motion, stating the complete substance of the proposed change, has been given at a previous meeting.
- (3) Motions to rescind or amend something previously adopted are not in order under the following circumstances:
 - (a) When it has been previously moved to reconsider the vote on the main motion, and the question can be reached by calling up the motion to *Reconsider*;
 - (b) When something has been done, as a result of the vote on the main motion, that is impossible to undo. The unexecuted part of the motion, however, can be rescinded or amended.

8 Adjournments

The Council shall always adjourn at the hour of 10:00 p.m. if in session at that hour unless otherwise determined by vote of two-thirds of the members present.

9 Agenda

- (1) The Clerk, in consultation with the agenda review working group, shall prepare an agenda for all matters that are to come before any meeting of Council in the sequence in which they should arise in accordance with the Council Agenda Policy.
- (2) The agenda shall be distributed before each meeting of the Council.
- (3) No matter not on the agenda may be considered at a meeting except as notice for the next succeeding meeting of the Council.

10 Persons Not Members of Council

- (1) The Clerk, the Solicitor, or other officer of the Regional Municipality may address the Council on the request of the Mayor or other presiding officer or of any member of the Council.
- (2) No other person who is not a member of the Council shall be heard without the permission of the Council.
- (3) The permission of the Council may be extended by the Mayor or other presiding officer subject to the objection by a majority of the members of the Council present.
- (4) Any matter brought to the Council by petition or public representation shall be considered by the agenda review working group.
- (5) No one may bring any sign, poster, placard, banner or other like device into the Council Chamber without the prior permission of the Mayor or other presiding officer, subject to objection by a majority of the members of Council present.

Recorded Resolution RC1
Rules of Order

11 Suspension of Rules

The rules and procedures of the Council may be suspended by two-thirds majority vote of the members present.

12 General

In all cases not provided for, the proceedings of the Council shall be governed by Roberts' Rules of Order.

Approved by Council: August 1, 1995

Amended by Council:

August 15, 2000
November 28, 2000
February 19, 2002
March 14, 2005
July 14, 2020

CAPE BRETON REGIONAL MUNICIPALITY

Resolution RC3

MEETINGS POLICY

Purpose:

This Resolution was composed to set the day and time for Regular Monthly Meetings of the Council of the Cape Breton Regional Municipality.

The Resolution known as “RC3 – Meetings” was offered originally at the August 1, 1995 inaugural meeting of Council and read as follows:

WHEREAS it has been discussed at length that Tuesday is the consensus for a monthly meeting of Regional Council;

AND WHEREAS the third Tuesday would be the preferred time, between the hours of 6:00 p.m. and 10:00 p.m., subject to the decision of Council to go beyond the adjournment time to conclude regular agenda items.

Regularly moved and seconded . . .

Approved by Council: August 1, 1995

**Amendment to change: 7:00 p.m. to 6:00 p.m.
CBRM Council: November 18, 2003.**

**Amendment to change: Adjournment time from 10:00 p.m. to 9:00 p.m.
CBRM Council: March 11, 2005**

**Amendment to change: Adjournment time from 9:00 p.m. to 10:00 p.m.
CBRM Council: June 26, 2018**



CBRM

A Community of Communities

Cape Breton Regional Municipality

Council Agenda Policy

1. PREAMBLE:

It is the Policy of Council that draft agendas for monthly Council and Committee meetings are reviewed during the agenda consultation meeting.

2. OBJECTIVE:

It is the objective of this Policy to outline a process for submitting items for Agendas and to ensure that the business requiring Council/Committee direction proceeds in a methodical and timely manner.

3. Key Points:

- i. Agendas are constructed during any given month using a pending file.
- ii. Council members and staff are invited to submit issues to the Clerk's Office prior to the agenda consultation meeting.
- iii. Resource or appropriate background materials i.e. Issue Papers must be provided for distribution with the draft agenda package.
- iv. For matters within the jurisdiction of CBRM, Council members shall submit their requests for staff reports using the *Councillor Agenda Request Form – Staff Report* as outlined in Appendix "A" attached to this Policy. Councillors are encouraged to discuss matters with the Director of the responsible Department prior to submitting their agenda request.
- v. Requests from Council members for action by Council regarding matters that are within the jurisdiction of the Provincial or Federal Government shall be submitted in the form of a Resolution.

- vi. The deadline for agenda submissions to the Clerk's Office is 4:30 p.m. seven (7) days prior to the meeting.
- vii. *Approval of the Agenda* shall be included in the agenda Order of Business for regular Committee and Council meetings, as well as In Camera meetings. Any items added to or deleted from an agenda during the meeting will require a motion with simple majority vote. This includes New Business items as provided for in this Policy.
- viii. The agenda review working group consisting of the presiding officer, Chief Administrative Officer (CAO), Clerk, Solicitor and the Deputy Mayor, or their delegates, may attend the agenda consultation meeting.
- ix. For those instances when requested agenda items may be outside the jurisdiction of the Municipality, require more research or should be dealt with in a different forum, the agenda review working group shall have the authority to delete, defer or refer such agenda requests. With respect to such deletion, deferral or referral, the Deputy Mayor shall report to the respective Council members, the CAO shall advise staff, and the Clerk shall notify citizens regarding delegation requests.
- x. In all cases possible, agendas for regularly scheduled meetings would be pre-distributed to Council Members approximately 5 days prior to a meeting. For special meetings, these timelines may be reduced.
- xi. All agendas for regular meetings are distributed to all Members of Council whether they are members of a Committee or not.
- xii. In Camera materials that are pre-distributed are only sent to Committee Members, however non-Committee Council members are invited to attend in camera meetings.
- xiii. In Camera agenda topics and corresponding sections of the *Municipal Government Act* will be included in the public meeting notice and listed on the CBRM website.
- xiv. Once an issue has been dealt with by Council, it should not be put before Council again for at least 6 months, unless by proper motion of reconsideration, rescindment or to amend something previously adopted.

4. PETITIONS:

- (1) Every Petition for Council consideration shall:
 - i) Be legibly written, typed or delivered electronically (Note: it is the responsibility of the individual initiating and submitting the Petition to verify that an electronically-generated Petition is from a reliable petition source);
 - ii) Not contain any impertinent or improper matter/language;
 - iii) Be signed by at least one person, or be received from an electronic address which clearly identified the person sending the Petition;
 - iv) State the reasons for the Petition and the remedy sought by Council;
 - v) The date the Petition was commenced;
 - vi) Include the name, civic address and either the telephone number or email address of the person(s) who started the Petition;
 - vii) The name and civic address of every person who signed or electronically submitted their name to the Petition;
 - viii) Be submitted to a member of Council and/or filed with the Clerk.
- (2) A digital copy of the Petition may be circulated to all members of Council if requested by the petitioner.
- (3) Once received by the Clerk, the Petition will be reviewed by the agenda review working group prior to inclusion on a meeting agenda. Once approved, receipt of the Petition will be duly noted on the agenda, highlighting the operative clause, and be included under the "Approval of Agenda" order of business.
- (4) Where an individual wishes to speak to a Petition before Council, any member of Council may move a motion that the individual be heard.

5. LATE ITEMS:

If an issue arises after the Council package goes out and up to noon on the day before a Council meeting, a Council member can submit the additional item to the Clerk for review by the agenda review working group for a decision on inclusion as an added item.

These late items require an issue paper or some kind of background information for distribution before the meeting.

A "new" item received on Council Day or without supporting documentation, will not be permitted.

Council shall not vote on a motion arising out of an item added to the agenda until a staff report and recommendation is received by Council. Any motion so made shall be deemed to be deferred until such reports and recommendation is received.

6. NEW BUSINESS:

New Business in the context of this policy is simply:

- Announcements (substantive)
- Referrals/questions
- Submission of Petition
- Notice of Motion

All are subject to a strict adherence to a 1 minute time limit. No debate.

This Policy replaces earlier policies dealing with agenda issues.

This Policy is Councils' provision for the process of Agenda composition and New Business matters and supercedes Robert's Rules of Order.

It is noted that the MGA in Section 19(3) sets out the procedure on how a Council can deal with an emergency issue.

Section 19(3) Where the Mayor or Warden determines that there is an emergency, the Council may meet without notice or with such notice as is possible in the circumstances.

Approved by Council: September 19, 2006
Amended: June 26, 2018
February 19, 2019
July 14, 2020

Appendix "A"



City Hall
 320 Esplanade
 Sydney, NS B1P 7B9

Item No.

Councillor Agenda Request Form – Staff Report		
<input type="checkbox"/> Included on Agenda (Submitted to Municipal Clerk's Office by 4:30 pm seven days before the meeting)	<input type="checkbox"/> Late Item (Submitted to Municipal Clerk's Office by Noon the day before the meeting)	<input type="checkbox"/> Request from the Floor: (New Business) - Announcement - Referral - Submit Petition - Notice of Motion
Date of Council/Committee Meeting:		
Subject:		
Motion requesting Staff Report for Council/Committee to Consider: <i>(Note: when drafting the motion, please ensure that it reflects everything that is being requested to be included in the request for a staff report.) – Please ensure this text is deleted in the final version of this form.</i>		
Reason:		
Outcome Sought:		
<i>Councillor</i>	<i>District</i>	
Date:	Received by Clerk's Department (date):	

Issue has been discussed with Director of Responsible Department

Cape Breton Regional Municipality

Policy Respecting Delegations Appearing Before Council

This policy relates to delegations who wish to address the Cape Breton Regional Council or a Standing Committee of Council.

1. All delegations will be required, if requested, to have a pre-appearance meeting with the Clerk or designated Staff member. Presenters are also expected to be present 30 minutes in advance of their presentation, only if requiring audiovisual equipment.
2. Any individual or group wishing to address Council/Committee shall give notice not less than 10 days prior to the meeting at which the delegation wishes to appear and shall submit its presentation (including potential Resolutions for Council consideration/endorsement) in writing to the Municipal Clerk for distribution with the agenda package.
3. Subject to paragraph (a) and (b) below, only **one** delegation will be heard at any Council meeting.
 - (a) In extra-ordinary or emergency circumstances only, and with the approval of the Chair, will there be more than one delegation at a regular Council meeting.
 - (b) Any approved delegation that fails to submit the required documentation within the specified time limits will be deferred to another date.
 - (c) Delegations with exceptional issue or an issue deemed to be of an emergency nature may be granted a special meeting; this decision at the discretion of the chair.
4. Committees may entertain more than one (1) delegation per meeting. If a group appears before a Committee, they will not be entitled to appear at Council to speak on the same issue.
5. Issues coming before Council must be of a global municipal nature. If the topic is of a localized nature or is service specific, the delegation will be directed and heard at the appropriate Standing Committee of Council. The Clerk, in consultation with the Chair, will decide what constitutes a global issue.
6. Under the *Police Act*, issues relating to the Policing Service must go to the Police Commission. Only the few items which require Council approval under the *Police Act* will be referred back to Council. The Commission, by virtue of the *Police Act*, has different authority and reporting requirements than the other Committees of Council.

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Policy Respecting Delegations Appearing Before Council

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7. A delegation is encouraged to have only one speaker who will be limited to a 15 minute presentation. A delegation may have more than one speaker but collectively speakers are limited to the fifteen minute time period. The Clerk shall make presenter(s) aware of this time limit when arrangements for the presentation are being made.
8. Questions from members of Council/Committee may follow the presentation, however, debate will not be permitted until Council formally deals with any required action coming out of the presentation. Council may deal with the requests for action
 - (a) under new business – (time permitting),
 - (b) at the next regular Council meeting,
 - (c) or by referral.
9. Once a delegation is heard at Council, a Resolution would not be put forth on the issue until the next meeting of Council. If urgency dictates an early decision, there would be a requirement for a two-thirds vote of Council to deal with the issue.
10. The Chair will acknowledge and thank the presenting delegation.
11. This policy is Council's provision for the process of dealing with delegations and supercedes Robert's Rules of Order.

Approved by Council – June 12, 1996

Amended by Council – March 11, 2005