

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

**BE IT RESOLVED AS AN ADMINISTRATIVE ORDER** of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

**Short Title**

1. This Administrative Order may be known as the *COVID-19 Administrative Order*.

**Interpretation**

2. In this Administrative Order,

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

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

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

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

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

**Application**

3. Notwithstanding any other policy of Council, a

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

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

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

**Public Hearings**

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

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

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

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

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

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

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

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

(2) If

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

(b) a meeting under 3B(1)(f);

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

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

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

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

#### **Termination Date**

4. Subject to subsection 3B(4), this Administrative Order terminates on the earlier of

(a) the date and time determined by Council, by resolution; or

(b) at 11:59 pm on March 31<sup>st</sup>, 2022.

#### **Schedule**

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

Done and passed this 12<sup>th</sup> day of May, 2020.

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Mayor

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Acting Municipal Clerk

I, Sherryl Murphy, Acting Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on May 12, 2020.

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Sherryl Murphy, Acting Municipal Clerk

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

**Application**

1. These Rules shall apply equally to a public hearing conducted by the Council and a Community Council until this Administrative Order terminates.

**Advertising Public Hearing**

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

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

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

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

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

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

**Location**

3. Public hearings will be held virtually.

**Written Submissions**

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

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

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

**Speakers' List**

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

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

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

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

**Before Public Hearing Opened**

6. Before the public hearing is opened:

- (a) the Presiding Officer shall ask staff for a presentation;
- (b) staff shall then be given an opportunity to virtually provide an explanation of the matter being considered and the staff recommendation to the Council or the Community Council; and
- (c) following the staff presentation, if any, Members may ask staff questions of clarification only.

### **Opening of Public Hearing**

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

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

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

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

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

### **Explanation of Speaking Rules**

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

9. Each speaker shall

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

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

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

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

10. During a public hearing:

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

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

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

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

### **Calling Speakers**

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

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

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

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

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

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

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

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

### **Close of Public Hearing**

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

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

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

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

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

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

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

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

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

### **Voting**

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

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

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

- (b) an appeal of a site-plan or variance;
- (c) a registration or de-registration of heritage property; and
- (d) the sale of property at less than market value.

Notice of Motion: April 28, 2020  
Approved: May 12, 2020

**Amendment #1**

Amendment to section 1  
Added sections 3A and 5, and Schedule 1

Notice of Motion: May 12, 2020  
Approved: May 26, 2020

**Amendment #2**

Amendment to sections 2 and 4  
Added sections 3B

Notice of Motion: August 18, 2020  
Approved: September 1, 2020

**Amendment #3**

Amendment to clause 4(b)  
Amendment to subsection 5(3) of Schedule 1

Notice of Motion: March 9, 2021  
Approved: March 23, 2021