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**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER NUMBER 58  
RESPECTING THE DELEGATION OF  
CERTAIN AUTHORITIES**

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

**Short Title**

1. This Administrative Order may be cited as the *Delegation of Certain Authorities Administrative Order*.

**Application**

2. This Administrative Order applies to all employees of the Municipality.

3. Nothing in this *Administrative Order* limits or otherwise restricts any other authorities delegated by Council to staff including the authorities delegated under the Transaction Policy - Real Property Acquisitions and Disposals.

4. Nothing in this *Administrative Order* shall be construed as to limit or otherwise restrict Council's discretion to grant a lease at market value rent or less than market value rent.

5. A rental agreement authorized by this *Administrative Order* shall:

- (a) only grant a license to use the facility or municipal land for a maximum certain time period; and
- (b) not be transferable or assignable.

6. When determining the delegated authorities for approving and signing less than market value rent, the approving and signing authorities shall be determined by reference to the actual market value of the rent without reduction.

7. The authorities delegated to the Divisional Manager or the Director under this Administrative Order may be further delegated by the Divisional Manager or the Director to his or her staff.

8. In this Administrative Order, a delegation up to a specific dollar amount for market value rent shall:

- (a) include a delegation up to and including the expressed dollar amount.
- (b) exclude any Harmonized Sales Tax that may be payable.

## **Interpretation**

9. In this Administrative Order,

- (a) “CAO” means the Chief Administrative Officer of the Municipality;
- (aa) “Canadian Municipality” means a municipal body that is located within the boundaries of Canada, such as a regional municipality, city, town, village, and municipality of a county or district;
- (ab) “Chief” means the Chief of Police of the Halifax Regional Police and includes:
  - (i) an officer acting as the Chief of Police, and
  - (ii) the Deputy Chief or a Superintendent pursuant to section 21;
- (b) “DCAO” means the Deputy Chief Administrative Officer of the Municipality;
- (c) “Director” means a Director of a Department of the Municipality;
- (d) “facility” means a building or part of a building that:
  - (i) is owned or leased by the Municipality;
  - (ii) is operated by the Municipality; and
  - (iii) is used, in whole or in part, for athletic, cultural, recreational or sporting Purposes;
- (da) “HRPA” means the Halifax Regional Police Association;
- (e) “market value rent” means the most probable rent which municipal land or a facility should bring in a competitive and open market under conditions requisite to a fair agreement;
- (f) “municipal land” means real property owned or leased, in whole or in part, by the Municipality for athletic, recreational or sporting purposes;
- (g) “non-disclosure agreement” means an agreement relative to an exchange of confidential information between the Municipality and other persons, whether or not the Municipality is negotiating or has entered into an agreement with such person;
- (ga) “Municipality” means the Halifax Regional Municipality;
- (h) “non-profit organization” means a group, organization or incorporated body that is not conducted primarily for profit;
- (ha) “revenue agreement” means an agreement between the Municipality and another person or entity wherein,

- (i) the Municipality accepts or receives money from such person or entity;
  - (ii) the Municipality is not required, pursuant to the agreement, to make an expenditure of money; and
  - (iii) there is an exchange of obligations; and
- (i) “maximum rental period” includes all renewal periods.

**Delegation – Non Disclosure Agreements**

10. (1) Council hereby delegates the authorities to approve and sign non-disclosure agreements to the CAO, where in the opinion of the CAO:

- (a) such agreements are necessary to advance contractual negotiation; or
- (b) such agreements are in the best interests of the Municipality;

(2) The DCAO may act in the place and in the stead of the CAO for the purposes of this section when the CAO is absent or at the request of the CAO.

**Delegation – Market Value Rent**

11. All renters of a facility or municipal land must pay market value rent.

12. Council hereby delegates the authorities to approve and sign a rental agreement for a facility or municipal land, at market value rent, as follows:

<b>Maximum Rental Period or Term</b>	<b>Annual Market Value Rent (excluding HST)</b>	<b>Approval Authority</b>	<b>Signing Authority</b>
one (1) year	\$1 - \$25,000	Divisional Manager	Divisional Manager
one (1) year	\$1 - \$50,000	Director	Director
one (1) year	\$1 - \$100,000	DCAO or CAO	DCAO or CAO
as approved by Council	\$100,001 and over	Council	Mayor and Clerk

**Delegation - Less than Market Value Rent**

13. Council hereby considers a non-profit organization to be carrying on an activity that is beneficial to the Municipality, if in the opinion of the delegate:

- (a) the entity is a non-profit organization;
- (b) the non-profit organization is using, in whole or in part, a facility or municipal lands; and
- (c) the non-profit is holding a sporting event, community event, recreational event, entertainment event, or cultural event including artistic performances.

14. Notwithstanding section 11, Council hereby authorizes less than market value rent to be charged to a non-profit organization who is carrying on an activity that is beneficial to the Municipality pursuant to clause 13(c) of this Administrative Order.

15. Subject to sections 13 and 14, Council hereby delegates the authorities to approve-and sign rental agreements for a facility or municipal land, with a non-profit organization at less than market value rent, as follows:

<b>Annual Market Value Rent (excluding HST)</b>	<b>Approval Authority</b>	<b>Signing Authority</b>	<b>Maximum Rental Period or Term</b>
\$1 - \$25,000	Divisional Manager or Director	Divisional Manager or Director	one (1) year

**Delegation - Non Expenditure Agreements With Revenue Component**

16. (1) Council hereby delegates the authority to make or approve and enter into revenue agreements, any amendments to revenue agreements and to agree to assignments of agreements, on behalf of the Municipality, as follows:

<b>Total Amount of Money to be Received</b>	<b>Approval Authority</b>	<b>Signing Authority</b>
\$0 - \$50,000	Director	Director
\$0 - \$500,000	DCAO or CAO	DCAO or CAO
\$500,001 and over	Council	Mayor and Clerk

(2) Subsection (1) of this section does not apply,

(a) to a delegation to the Chief where sections 19 or 20 of this *Administrative Order* apply; or

(b) if Administrative Order Number 55, the *HRM Sponsorship Administrative Order*, applies.

**Delegation – Non-Expenditure Agreements Without Revenue Component**

17 (1) Council delegates to the CAO the authority to make or approve and enter into agreements, any amendments to revenue agreements and to agree to assignments of agreements, that do not require an expenditure of money by the Municipality, providing that such agreements,

(a) are for the provision of a municipal service with a government, public entity or service commission, providing there is cost recovery to the Municipality;

(b) implement the direction of Regional Council; or

(c) are required for the purposes of the Municipality.

(2) The CAO may further delegate the authority pursuant to subsection (1) of this section to employees.

(3) This section shall not apply to a revenue agreement.

### **Chief as Director**

18. In every *Administrative Order* or policy adopted by the Council, where there is a delegation by the Council to a “Director”, the delegation to a “Director” shall include a delegation to the “Chief”.

19. (1) In this section and section 20, “agreement” includes a memorandum of understanding, letter of agreement, and contract between Halifax Regional Police and another person, government or police agency.

(2) An agreement pursuant to this section shall, in the opinion of the Chief, be in the best interest of the Municipality, including ensuring the provision and maintenance of an adequate and effective level of policing throughout the Municipality.

(3) Any procurement under this section shall be subject to the Procurement Policy.

(4) Council hereby delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting the provision of police services,

(a) for a term up to twelve (12) months, including all renewal periods, with Provincial and federal government agencies and agents of Her Majesty including the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Serious Incident Response Team, Canadian Border Services Agency and any other Provincial or federal governmental organization or department;

(b) for a term up to twelve (12) months, including all renewal periods, at ports of call or places of entry that are located within the geographic boundaries of the Municipality, providing there is cost recovery for the provision of such services;

(ba) for a term up to five (5) years, including all renewal periods, where the agreement relates to the secondment of an officer of the Halifax Regional Police to any of the entities listed in clause (a) of this subsection or the secondment of a member of an entity listed in clause (a) of this subsection to the Halifax Regional Police;

(c) for activities or events within the geographic boundaries of Canada providing such activities or events,

(i) are of national interest, such as a meeting of the G-20 in a Canadian Municipality,

(ii) require security such as the Olympics or the Pan Am Games in a Canadian Municipality, or

(iii) are in respect of public safety, crime reduction or an emergency intervention,

providing there is cost recovery for the activities or events;

(d) for activities or events outside the geographic boundaries of Canada, providing there is cost recovery or the costs are neutral for the activities or events, such as peacekeeping or police development or training that are in response to an action or request of the United Nations, the North Atlantic Treaty Organization, European Police, the Canadian government or any other international entity, and

(e) for training activities or events for employees of the Halifax Regional Police within the geographic boundaries of Canada for which there is at least partial cost recovery providing any discrepancy between the actual cost of the training or events and any cost recovery is wholly funded from the approved budget.

20. Council delegates to the Chief the authorities to approve and sign an agreement on behalf of the Municipality respecting:

(a) matters relating to law enforcement, police services and intelligence operations with other law enforcement and government agencies if, in the opinion of the Chief, it is necessary to collaborate or co-operate with such agencies to further an investigation including the sharing of criminal intelligence such as crime statistics and actions respecting specific individuals involved in criminal activities;

(b) information sharing agreements with other law enforcement and government Agencies, providing the agreements are subject to all applicable privacy legislation;

(c) the waiver of provisions of the Collective Agreement between the Municipality and the HRPAs for which, in the opinion of the Chief, there are no financial repercussions for the Municipality, providing:

(i) the waiver is approved by the CAO, or delegate, and

(ii) the waiver would not otherwise prejudice the Collective Agreement;

(d) non-financial partnership agreements with non-profit organizations or registered Canadian charitable organizations.

21. (1) Council hereby delegates to the Chief the authority to sub-delegate the authorities pursuant to sections 19 and 20 of this Administrative Order to the Deputy Chief of Halifax Regional Police or a Superintendent of the Halifax Regional Police.

(2) The Deputy Chief or a Superintendent who has been delegated authority by the Chief pursuant to subsection (1) of this section may act in the place and in the stead of the Chief when the Chief is absent or at the request of the Chief.

Done and passed in Council this 28<sup>th</sup> day of January, A.D. 2014.

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MAYOR

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MUNICIPAL CLERK



Notice of Motion:	January 14, 2014
Approved:	January 28, 2014
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Amendment # 1	
Notice of Motion:	November 18, 2014
Approval:	December 2, 2014
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Amendment # 2	
Notice of Motion:	May 10, 2016
Approval:	May 24, 2016