

# HALIFAX

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**Item No. 14.1.3**  
**Halifax Regional Council**  
**February 12, 2019**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed by   
Jacques Dubé, Chief Administrative Officer

**DATE:** January 7, 2019

**SUBJECT:** Consent Agendas

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## **ORIGIN**

On July 31, 2018 Regional Council passed the following motion:

THAT Halifax Regional Council request a staff report on amending Administrative Order 1 to introduce Consent Agendas at Regional Council.

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter* (Charter) clause 20(1)(b) as follows:

The Council may make policies

...

(b) regulating its own proceedings and preserving order at meetings of the Council".

Administrative Order 1, the Procedures of Council Administrative Order

## **RECOMMENDATION**

It is recommended that Halifax Regional Council adopt the amendments to Administrative Order One, the *Procedures of Council Administrative Order*, as set out in Attachment 2 of this report.

## **BACKGROUND**

In May 2010, the Governance and District Review Committee considered the concept of Consent Agendas as a means of achieving greater effectiveness at Regional Council meetings. Based on the Committee's recommendation, on August 3, 2010 Regional Council approved the adoption, in principle, of the use of Consent Agendas.

Although approved in principle, no further action was taken with respect to Consent Agendas until the September 22, 2015 Committee of the Whole meeting to consider an updated version of Administrative Order One (AO1) respecting the procedures of Council. This represented a comprehensive review of AO1 and included amendments for the addition of Consent Agendas. Following discussion and debate, the matter was deferred for staff to review the proposed amendment in order to address the following issues:

1. Whether the ability to remove items from the Consent Agenda the day of the meeting should require a majority vote or be at any Councillor's discretion.
2. The ability for a member, at the start of the meeting, to request to have a matter on the consent agenda brought forward at the next meeting (to have staff available to respond).
3. The cut off time for removing items from the consent agenda.

On November 10, 2015 Regional Council, on the recommendation of Committee of the Whole, adopted the revised Administrative Order One, choosing not to include Consent Agenda provisions at that time.

On July 31, 2018 Regional Council requested a staff report on amending Administrative Order 1, to include a section on Consent Agendas.

## **DISCUSSION**

### **What is a Consent Agenda?**

A Consent Agenda is a meeting practice that groups routine business and reports as one meeting item. If moved and seconded, the Consent Agenda is approved with a single vote, rather than dealing with each motion separately. The Consent Agenda is comprised of consent items, which usually consists of routine, or customary items, and is placed early on the agenda to ensure routine items are dealt with in a quick and expeditious manner. Consent Agendas may afford Regional Council with additional time to discuss strategic or substantive matters.

Based on a review conducted, it is proposed that only Regional Council should have a Consent Agenda feature. This is due to the volume of items on the Regional Council agendas in comparison to community councils or standing committees. Upon consultation with Legal Services, it is proposed that the following restrictions be placed on what items could be included on a Consent Agenda:

- second reading of all by-laws or amendments to by-laws, including land use by-laws;
- administrative orders;
- information items brought forward;
- Motions of rescission;
- Items requiring a 2/3 vote of Council
- planning documents, such as:
  - a Municipal Planning Strategy or amendments to an Municipal Planning Strategy;
  - development agreements; and
  - incentive or bonus zoning agreements,
- appeals;
- Motions made by Members of Council;
- In camera matters; and
- Late or added items to the agenda

Should Regional Council approve having a Consent Agenda, it would be dealt with after the Approval of Order of Business.

Consent Agendas were last considered in 2015. At that time many Members of Council expressed concern about the recommended timeframes for removing items from a Consent Agenda. They indicated that this would not provide sufficient time to thoroughly review the agenda to make that determination. In response to this concern, staff is recommending greater flexibility to Members, by allowing any Member to have an item removed from the Consent Agenda, at the Consent Agenda portion of the meeting.

### **How a Consent Agenda Works**

Amendments to Administrative Order One (Attachments 1 and 2) have been prepared which outline the consent agenda process. The following narrative description provides an overview of the Consent Agenda process:

#### **Agenda Process**

- At agenda review the Chief Administrative Officer and Mayor will jointly set and confirm the Consent Agenda.
- The Consent Agenda will appear on the agenda after Approval of Business, with a listing of proposed items for consideration. Items with their corresponding recommendations would be placed on the agenda where they would be customarily placed.
- Items added through Additions and Deletions shall not be included in a Consent Agenda.

#### **At the Meeting**

- The Consent Agenda shall be dealt with after the Approval of Business.
- To begin, the Mayor will ask that the Consent Agenda be duly moved and seconded.
- After it has been placed on the floor, the Mayor will survey members of Regional Council for motions to remove items from the Consent Agenda.
- Any Member may move that an item be removed from the Consent Agenda, their request does not require a seconder, or an explanation, and shall be granted as of right.
- During this time there is no discussion or debate on items, or motions made by Members of Council.
- Once all Member motions have been heard, the titles of the remaining items shall be read by the Mayor and a vote on the question will be called, the corresponding item motions do not have to be read.
- The vote will be conducted electronically.
- The vote on the consent agenda shall require a majority of Council Members present.

Items may be removed, at the request of any member present, with no reason required. Customarily, the Member would ask for the item to be removed for the following reasons;

- Questions of clarification.
- Entering into debate.
- Proposing an amendment or to vote the motion down and propose an alternative.
- Requesting that the item be voted upon separately.
- Member declared a conflict, required to recuse during the item and refrain from voting.

If an item has been removed it will be dealt with where it has been placed on the agenda.

It is recommended that items added to the agenda through additions and deletions or late reports not be considered in the Consent Agenda, as this may lead debate and would slow down the process, and be counter intuitive.

#### **Minutes**

The Minutes will feature a section of what was approved during the Consent Agenda process. The minute record will display the motions items where they were placed on the agenda, for continuity purposes.

### Housekeeping Amendment

Staff is recommending one housekeeping amendment to Administrative Order One in respect of motions of rescission. Sections 62 and 63 speak to motions of rescissions while section 61 speaks to motions of reconsideration. Subsection 62(5) (rescission section) says a motion of “reconsideration” is not order respecting the adoption of a by-law or amendment to a by-law, an appeal, a matter that has previously reconsidered, or if something has already been done because of the vote that is impossible to undo. The subject section 62 is “rescission” rather than “reconsideration”. Accordingly, staff is recommending amending subsection 62(5) to replace “reconsideration” with “rescission”.

### FINANCIAL IMPLICATIONS

None.

### RISK CONSIDERATION

There are no risks associated with Regional Council approving the amendments to AO1 contained in this report.

### COMMUNITY ENGAGEMENT

No community engagement was performed as the introduction of a consent agenda is an administrative amendment to the Council Procedure Administrative Order.

### ENVIRONMENTAL IMPLICATIONS

None.

### ALTERNATIVES

Regional Council may determine not to approve the Administrative Order amendment. This is not recommended for the reasons outlined in this report.

### ATTACHMENTS

Attachment 1 Showing Proposed Changes to Administrative Order One  
Attachment 2 Amending Administrative Order

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A copy of this report can be obtained online at or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Kevin Arjoon, Municipal Clerk, 902.490.6456

Original Signed by 

Report Approved by: John Traves, Q.C. Legal, Municipal Clerk & External Affairs 902.490.4219

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**ATTACHMENT 1  
(Showing Proposed Changes to Administrative Order One)**

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**Interpretation**

3. In this Administrative Order,

(e) “Community Council” means the council of a community established pursuant to the *HRM Charter*,

(f) ~~“Consent Agenda”~~ means routine items or non-controversial items that are listed under the Consent Agenda section of the Agenda;

(g) “DCAO” means the Deputy Chief Administrative Officer of the Municipality;

**Rules Adopted and Suspended**

4. (1) The proceedings of the Council, Community Council, and committees of the Council shall be governed by this Administrative Order unless an Administrative Order, by-law or provincial enactment provides otherwise.

(2) Notwithstanding subsection (1), any one or more of the rules of procedures contained herein except for sections 5 and 41 and subsections 12(5) and 59(3) may be suspended by Council, Committee of the Whole, Community Council or a Standing Committee by the affirmative vote of two-thirds (2/3rds) of the Members present and voting.

**Agenda Review**

18 (3) During the Agenda Review, the Mayor and CAO jointly may:

(a) ~~move any item under the Consent Agenda section of the Agenda, except for those items listed in subsection 41(2);~~

(b) defer any item on the Agenda to a subsequent meeting;

(c) refer any item to a Community Council, Committee of the Whole or a Standing Committee that is within their respective jurisdiction; or

(d) cancel any meeting of the Council, where, in their judgement, the holding of the meeting is not justified or for any other reason which in their judgement appears appropriate.

**Order of Business**

36. The Order of Business shall be:

- (a) Call to Order;
- (b) Special community announcements and acknowledgments;
- (c) approval of the listed order of business and approval of any additions thereto or deletions therefrom;
- (d) Consent Agenda;
- (e) business arising out of the Minutes unless dealt with elsewhere;
- (f) call for declaration of conflict of interests;
- (g) motions of reconsideration;
- (h) motions of rescission;
- (i) consideration of deferred business;
- (j) notices of tabled matters that are subject to be deemed to be withdrawn pursuant to subsection 54(6);
- (k) public hearings when required will be held at 6 p.m.;
- (l) correspondence, petitions and delegations or presentations;
- (m) information items brought forward;
- (n) reports and recommendations from:
  - (i) staff
  - (ii) Standing Committees of the Council;
  - (iii) Community Councils;
  - (iv) Committees of the Council other than Standing Committees;
- (o) motions;
- (p) added items;
- (q) notices of motion; and
- (r) adjournment.

### **Consent Agenda**

41. ~~Deleted.~~ (1) Subject to subsection (2), the Consent Agenda may contain routine or non-controversial items;

(2) The following matters shall not be set on the Consent Agenda:

- (a) Second Readings of by-laws and land use by-laws, including any amendments thereto;
- (b) Administrative Orders;
- (c) Information items brought forward;
- (d) planning documents as defined by clause 209(m) of the HRM Charter;
- (e) development agreements or incentive or bonus zoning agreements, including any amendment thereto;
- (f) appeals;
- (g) Motions of rescission, or motions requiring a 2/3 vote of Regional Council;
- (h) Motions made by Members of Council
- (i) In Camera matters; and
- (j) Late or added items to the agenda.

(3) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motion shall be granted as of right.

(4) During consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.

(5) The Presiding Officer shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.

(6) The vote on the Consent Agenda, will be conducted electronically, and shall require a majority vote of Regional Council Members present.

(7) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (6) is passed.

(8) Items removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

### **Motion of Rescission**

62. (1) The purpose of a motion of rescission is to allow the Council to change an action previously taken or ordered.

(2) A motion of rescission cancels or countermands a previous action or order has the effect of striking out an entire main motion, resolution, rule, section, or paragraph that has been adopted at some previous time.

(3) A motion of rescission may only be taken in regard to a matter that has been decided in the affirmative.

(4) If a motion of rescission is defeated, no other motion to rescind shall be made within twelve (12) months, except with the consent of two-thirds (2/3rds) of the Members.

(5) A motion of ~~reconsideration~~ rescission is not in order:

- (a) in respect to the adoption or amendments of a by-law or a planning document;
- (b) in respect of an appeal;
- (c) in respect of a matter that has previously been moved to be reconsidered; or
- (d) if something has already been done as a result of the vote on the matter that is impossible to undo such as a document has already been executed.

(6) A motion of rescission is not required to cancel or countermand a previous action or order if such action or order was passed before the most recent ordinary municipal election.

#### **Order of Business at Committee**

130. The Order of Business for a committee of the Council shall, in the discretion of the Clerk, follow as closely as possible to the Order of Business of Council, with the exception of Consent Agendas which shall not be used by committees of Council.

**ATTACHMENT 2  
(Amending Administrative Order)**

**HALIFAX REGIONAL MUNICIPALITY  
ADMINISTRATIVE ORDER ONE  
RESPECTING THE PROCEDURES OF COUNCIL**

**BE IT RESOLVED** as an Administrative Order that Administrative Order One, the *Procedures of the Council Administrative Order*, is further amended as follows:

1. The table of contents is amended by adding the dash, words, dots and number, “ - Consent Agenda.....41” after the dash, word, dots, and number “ - Minutes.....40” and before the header “public Input”.
2. Clause 3(f) is added after clause (e) and before clause (g) as follows:
  - (f) “Consent Agenda” means routine items or non-controversial items that are listed under the Consent Agenda section of the Agenda;
3. Subsection 4(2) is amended by:
  - (a) adding an “s” to the word “section” after the word “for” and before the words “and subsections”; and
  - (b) adding the word and number “and 41” after the word “section” and before the “and subsections”;
4. Clause 18(3)(a) is added after the word and colon “may:” and before clause (b) as follows:
  - (a) move any item under the Consent Agenda section of the Agenda, except for those items listed in subsection 41(2);
5. Clause 36(d) is amended by moving the heading “approval of the listed order of business and approval of any additions thereto or deletions therefrom;” to 36(c), and the addition of a new 36 (d) entitled “Consent Agenda;”
6. Section 41 is added after section 40 and before section 42 as follows:

**Consent Agenda**

41. (1) Subject to subsection (2), the Consent Agenda may contain routine or non-controversial items;

(2) The following matters shall not be set on the Consent Agenda:

- (a) Second Readings of by-laws and land use by-laws, including any amendments thereto;
- (b) Administrative Orders;
- (c) Information Items brought forward
- (d) planning documents as defined by clause 209(m) of the HRM Charter;

- (e) development agreements or incentive or bonus zoning agreements, including any amendment thereto;
- (f) appeals;
- (g) Motions of rescission, or motions requiring a 2/3 vote of Regional Council;
- (h) Motions made by Members of Council
- (i) In Camera matters; and
- (j) Late or added items to the agenda.

(3) After the Consent Agenda motion has been duly moved and seconded, any member may move that an item be removed from the Consent Agenda, with no seconder, the motion shall be granted as of right.

(4) During consideration of the motion to approve the Consent Agenda, there shall be no discussion or debate on the specific items contained therein.

(5) The Presiding Officer shall clarify the items that remain on the Consent Agenda, before a vote shall be taken.

(6) The vote on the Consent Agenda, will be conducted electronically, and shall require a majority vote of Regional Council Members present.

(7) Items listed under the Consent Agenda are deemed approved when the vote as described in subsection (6) is passed.

(8) Items removed during the Consent Agenda, will be dealt with where it has been placed on the agenda.

7. Subsection 62(5) is amended by

- (a) striking out the word "reconsideration" after the word "of" and before the word "is"; and
- (b) adding the word "rescission" after the word "of" and before the word "is".

8. Section 130 the Order of Business is amended by deleting the "." at the end of the of the section, and inserting ", with the exception of Consent Agendas which shall not be used by committees of Council."

Done and passed this            day of            , 2019.

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Mayor

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Municipal Clerk