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Date <i>August 18, 2020</i>	

Item No. 13.3
Halifax Regional Council
August 18, 2020
In Camera (In Private)

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Dave Reage, Acting Chief Administrative Officer

DATE: July 15, 2020

SUBJECT: Windsor Street Exchange Redevelopment Project – Community Benefits

PRIVATE & CONFIDENTIAL

ORIGIN

On June 2nd, 2019, the federal Minister of Transport announced funding under the National Trade Corridors Fund for upgrades to the Windsor Street Exchange to facilitate the movement of regional and interprovincial containers by rail to an expanded truck gate at the Fairview Cove facility.

On August 13, 2019, a motion was passed that Halifax Regional Council:

1. Authorize the Mayor and Municipal Clerk to sign the attached Contribution Agreement with Minister of Transport, to receive \$23,500,000 in funding for the Windsor Street Exchange Upgrades (Acct No. CT190010); and
2. Direct the Chief Administrative Officer to explore whether community benefit could be part of the selection of a preferred concept.

The approved 2020/21 Capital Budget project CT190010 – Windsor Street Exchange.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter

s. 2 The purpose of this Act is to

- (a) give broad authority to the Council, including broad authority to pass by-laws, and respect its right to govern the Municipality in whatever ways the Council considers appropriate within the jurisdiction given to it;
- (b) enhance the ability of the Council to respond to present and future issues in the Municipality; and
- (c) recognize the purposes of the Municipality set out in Section 7A.

s. 7A The purposes of the Municipality are to:

- (a) provide good government,
- (b) provide services, facilities and other things that, in the opinion of the Council, are necessary or desirable for all or part of the Municipality, and
- (c) develop and maintain safe and viable communities.

s.34(3) The Council shall provide direction on the administration, plans, policies and programs of the Municipality to the Chief Administrative Officer.

Social Policy Administrative Order 2020-002-GOV

2. The purposes of this Administrative Order are to:

- (a) provide a clearly defined, consistent and collaborative approach to social policy;
- (b) endorse Social Policy Areas of Focus;
- (c) provide a foundation for a more integrated, coordinated, and sustainable approach for social policy in HRM;
- (d) clarify the roles of HRM, in conjunction with other stakeholders, in addressing social policy issues; and
- (e) increase internal capacity to understand and influence social policy.

RECOMMENDATION

It is recommended that Halifax Regional Council receive this update on the process to explore community benefits and immediately declassify the staff report dated July 15, 2020 so the public can be aware of the process to identify potential community benefits associated with the Windsor Street Exchange redevelopment project.

BACKGROUND

In July 2017, Transport Canada launched the National Trade Corridors Fund (NTCF). This fund provides \$2 billion over 11 years for projects that support the flow of goods and passengers by reducing bottlenecks, and address capacity issues, and help the transportation system withstand the effects of climate change. Funding is allocated to projects based on merit, with a focus on trade corridor efficiency and reliability. The NTCF provides up to 50% of eligible costs, with a maximum contribution of \$500 million.

On January 15, 2019, the second round of National Trade Corridors funding was announced. In this continuous call, Transport Canada evaluated projects on specific trade-related criteria, targeting proposals that:

- Improved the fluidity and/or performance of the transportation system to contribute to an increase in the value and/or volume of goods exported from Canada to overseas markets; and,
- Increased existing or generate new overseas trade flows as a result of the investment.

In addition to the above criteria, the assessment also considered the extent to which a project would add capacity or address bottlenecks near major ports, airports, or along road and rail corridors in Canada that contribute to generating or increasing overseas trade. It is expected that that this fund will provide a maximum of \$750 million with a focus on individual projects with a value of less than \$50 million.

Proponents were required to submit an Expression of Interest (EOI) and a Comprehensive Project Proposal (CPP) for projects that adhered to the above criteria and could be completed within the next five years. The Port of Halifax and HRM both submitted complementary EOI's and CPP's for funding.

Trucks arriving and departing from the Port of Halifax's Fairview Cove Container Terminal (FCCT) facility rely on connections to either the A. Murray MacKay Bridge or Highway 102 via Joseph Howe Drive. HRM submitted a CPP for a \$47 million upgrade to the Windsor Street Exchange (WSE) to realize joint benefits

for the Port and the Municipality. The reconfiguration of the Windsor Street Exchange will have significant benefits for local traffic flows and the efficiency of freight movement. The project will further HRM's Integrated Mobility Plan goals of reducing Port-related trucks traffic in the downtown core and traffic-related noise, improved safety, improve transit and active transportation connectivity, as well as reducing Greenhouse Gas Emissions.

HRM engaged a consultant to develop an evidence-based description of the project including improvements to the trade network, demonstration of value for money, a work plan, budget, construction schedule, financial plan, risk analysis, and a performance measurement strategy. A concept for the Windsor Street Exchange (WSE) redevelopment was submitted to Transport Canada in May 2019. The concept confirmed that a reconfiguration of the transportation network could meet the goals of the NTCF program, and on June 2, 2019, the Minister for Transport announced that the WSE project, along with a complementary project by the Port of Halifax, had been approved.

On August 13, 2019, when authorizing the contribution agreement with Transport Canada, Regional Council directed staff to explore whether community benefits could be part of the selection of a preferred concept.

DISCUSSION

Community Benefits

Community benefits are a way to increase the social impact of a municipal capital project. Benefits that could be included as part of infrastructure projects vary for each project based on the scope of the project, the impact of the project, and the opportunities identified through community consultation. HRM will explore whether potential community benefits can be included in the Windsor Street Exchange (WSE) redevelopment project, with substantial community involvement through a consultation process. Examples of potential community benefits for the WSE project are listed below; other concerns or opportunities may be raised through the community consultation process.

- Community improvements may be incorporated into the design of the reconfigured transportation network, e.g. active transportation connections and infrastructure upgrades.
- Social Procurement will be considered based on community input and working closely with HRM Procurement to apply the recently adopted Procurement Administrative Order, specifically Section 21.
- Environmental improvements will be considered through the completion of a climate change and greenhouse gas assessment, with environmental mitigation measures carried throughout the project design and construction.

The potential for community benefits as part of the Windsor Street Exchange redevelopment project cannot be defined without community consultation to identify the community's greatest concerns. Through consultation, concerns of the community and opportunities for benefits will be identified. Some concerns or opportunities may be addressed through the planned transportation project, while other concerns or opportunities may need the involvement of other HRM departments or government partners. Staff will work with the community to develop potential solutions to the identified concerns, and opportunities for community benefits.

Africville Community

Due to the proximity of the Windsor Street Exchange (WSE) to the Africville Community, staff have explored the potential of community benefits for the historic Africville community related to the Windsor Street Exchange redevelopment project.

Africville is often regarded as one of the first permanent black settlements in Canada.¹ The contentious relationship between the City of Halifax and Africville predates its demolition in the 1960s. Historic council

¹ <https://www.tiki-toki.com/timeline/entry/306010/Early-Black-Settlement-in-Canada/>

meetings and documents from the former City of Halifax show health and welfare issues, the demand for public services in Africville, the City's response, urban renewal plans, property acquisition negotiations, relocation issues, and the struggle for reparations that eventually led to the 2010 agreement and apology.² Since the demolition of Africville, there have been many municipally-led or supported initiatives geared towards relationship building, reconciliation, restitution and commitment to this community.

The Windsor Street Exchange redevelopment project is a significant municipal project. The proximity of Africville to the site presents an opportunity to continue the municipality's efforts of building a better relationship with Africville.

The project team has engaged a consultant to facilitate consultation with the Africville community and has been working with the HRM Diversity & Inclusion Office to develop a consultation plan. The first step of the consultation plan is to reach out to key community leaders to arrange an initial meeting. The purpose of this meeting will be to introduce the consultation facilitator, provide information on the scope of the transportation project, express the desired outcome of community consultation, and gather feedback and input on options for broader community consultation.

Based on the input of community leaders, the project team will develop a consultation plan. Due to public health directives to prevent the spread of COVID-19, the plan will need to rely on virtual engagement options. The team will also identify alternative methods of reaching community members to ensure that all who wish to participate have an opportunity, and that the community consultation is accessible to all. The consultation plan may be changed or adjusted depending on the feedback received.

The results of the consultation with the Africville community will be documented by the project team. Potential solutions to identified concerns, and opportunities for community benefits, will be evaluated by various HRM departments. These will be documented in a report to Council, which will note the implications of each item.

Mi'kmaw and Urban Indigenous Communities

The Mi'kmaq are the founding people of Nova Scotia and remain the predominant Indigenous group within the province. When the Mi'kmaq first encountered Europeans in the 16th and 17th centuries, their territory stretched from the southern portions of the Gaspé Peninsula eastward to most of modern-day New Brunswick, and all of Nova Scotia and Prince Edward Island.³

This area was divided into seven smaller territories across what was known as Mi'kma'ki. Today, the Mi'kmaq live throughout the province. Nova Scotia has 13 Mi'kmaq First Nations with community. The *Registered Indian* population in Nova Scotia is represented through a series of 13 band councils and two tribal councils, the Confederacy of Mainland Mi'kmaq and the Union of Nova Scotia Indians. The Union of Nova Scotia Indians tribal council represents the five First Nation communities within Cape Breton (We'koqma'q, Wagmatcook, Membertou, Eskasoni, and Chapel Island First Nations) along with Acadia First Nation on the Mainland. The remaining seven communities are represented by the Confederacy of Mainland Mi'kmaq (Bear River, Annapolis Valley, Glooscap, Millbrook, Paqtnkek, Pictou Landing and Sipekne'katik First Nations). Collectively, the 13 Mi'kmaw Chiefs comprise the Assembly of Nova Scotia Mi'kmaq Chiefs, the highest level of decision-making in the negotiation and consultation processes in Nova Scotia, supported by the Kwilmu'kw Maw-klusuaqn Negotiation Office, also known as the Mi'kmaq Rights Initiative. The Mi'kmaq Grand Council is the traditional and spiritual government for the Mi'kmaw nation.

Numerous First Nation run organizations serve the diverse needs of Indigenous people in Nova Scotia. The Native Council of Nova Scotia and the Mi'kmaw Native Friendship Centre both offer a wide range of programs and services, primarily to Indigenous people living off-reserve. The Nova Scotia Native Women's Association provides Indigenous women with a voice in the social, cultural and economic development of

² <https://www.halifax.ca/about-halifax/municipal-archives/source-guides/africville-sources/halifax-council-board-control>

³ <https://archives.novascotia.ca/genealogy/mikmaq>

the Indigenous community. Mi'kmaw Kina'matnewey is responsible for on-reserve schools and education, while the Mi'kmaq Employment & Training Secretariat provides support for training and employment for Mi'kmaq clients across the province. Other dedicated Indigenous organizations operating in Nova Scotia include: Mi'kmaq Family and Children's Services, the Mi'kmaw Legal Support Network, the Mi'kmaq Association for Cultural Studies, the Mi'kmaw Economic Benefits Office and the Unama'ki Institute of Natural Resources.

The project team has been working with the HRM Diversity & Inclusion Office to develop a plan to consult with the Mi'kmaw and Urban Indigenous communities. The first step of the consultation plan is to reach out to key community leaders to arrange an initial meeting. The purpose of this meeting will be to provide information on the scope of the transportation project, express the desired outcome of community consultation, and gather feedback and input on options for broader community consultation.

Based on the input of community leaders, the project team will develop a consultation plan, with consideration to the methods used to reach the Africville community, and public health restrictions that are in place. The consultation plan will also identify alternative methods of reaching community members and ensure that the consultation is accessible to all. The results of the consultation with the Indigenous community will be documented by the project team, with potential community benefits included in the above-mentioned report to Council.

FINANCIAL IMPLICATIONS

HRM has engaged a consultant to facilitate consultations with the Africville community. The fees have been included in the project budget. Potential community benefits may have financial implications; these will be presented to Council for consideration in a future report. Some of these actions may be considered within the Windsor Street Exchange Redevelopment project scope and others may be considered for future projects.

RISK CONSIDERATION

There is a risk that the relationship between HRM and both the Africville community and the Mi'kmaw and Urban Indigenous community could be damaged if the concerns of the community are not considered when identifying potential community benefits. The proposed consultation process has been developed with consideration of maintaining and strengthening the relationship between these communities and HRM.

There is a risk that public health directives to reduce the spread of COVID-19 will impact the ability of the project team to complete effective public engagement. The project team has considered virtual public engagement methods, as well as identified methods for reaching community members that may not have access to virtual engagement tools. Consideration for creating accessible engagement methods while respecting public health directives has been given to the development of consultation methods.

COMMUNITY ENGAGEMENT

This consultation plan has been developed with input from a consultation facilitator with ties to the Africville community, and HRM's Diversity and Inclusion Office. Community engagement to identify potential community benefits will be completed as described above. Broader consultation with the public on the Windsor Street Exchange Redevelopment project will follow the typical public engagement process on transportation projects.

ENVIRONMENTAL IMPLICATIONS

The redevelopment of the Windsor Street Exchange will reduce greenhouse gas emissions by accommodating moving freight by rail from the downtown, reducing vehicle idling time, as well as supporting transit and active transportation. Community benefits may also have environmental implications.

ALTERNATIVES

Regional Council may choose to not release the private and confidential report dated July 15, 2020. This is not recommended as transparency is important for establishing trust with the community in the process of identifying community benefits.

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

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