

## MEETING AGENDA

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September 8, 2016, 6:00 PM

Lakeside Community Centre

- 1) Approval Of Minutes – May 12 - 2016
- 2) Radon
  - a) Presentation by Dennis Harding (Tom's Contact)
- 3) Business Arising From Minutes
  - a) None
- 4) Update from Mirror
  - a) Discussions with Mirror for evaluation of the FEP/WSF operational requirements
  - b) Other updates
- 5) Society AGM
  - a) Update on Election of Officers
  - b) Propose letter to Jack Mitchell thanking him for his long-time service
  - c) Propose letter to Mike Becigneul thanking him for his service
- 6) Status of Strategic Plan
  - a) Update on progress, see attached
  - b) Report on meeting with NSE
  - c) Discussion of legal advice from Jaimie Tax
- 7) HRM procurement requirements - See Attached
  - a) John Traves has been invited to discuss this matter, which may be done in camera
- 8) Producer Responsibility (carried forward from the Society AGM)
  - a) Next steps?
- 9) Approval of Invoices
  - a) Beyond Attitude Consulting
  - b) Merrick

c) Masthead News

## NEXT STEPS FOR STRATEGIC PLAN - \*\*\* UPDATE \*\*\*

The Strategic Plan, attached, includes 5 Action Items:

1. Increase Transparency With the Community
2. Develop communication/reporting relationship with Mirror
3. Revise ongoing relationship with HRM
4. Review of Society and CMC agreements
5. Update CMC structure and operations

### Status and Priority

#### Item 1 - Increase Transparency With the Community – 95% Complete – High Priority

This item is about 95% complete, with the establishment of:

- The new website
- The regular newsletters
- Renewed and expanded presence on social media
- Expansion of the mailing list, and an option on the website for more people to subscribe
- Regular blog entries on the website and promotion to draw traffic
- Links to local community groups on the website
- Information on other waste management topics and particularly HRM curbside collection
- Website slideshow of Otter Lake operations to augment video

The only thing left to do is to engage residents to determine the best way of reaching them. An online survey could be an effective way to do so, and would provide an opportunity to gather more names for the mailing list.

#### Item 2 - Develop communication/reporting relationship with Mirror – 75% Complete – High Priority

Mirror is now attending the CMC meetings, and they are hiring a person dedicated to interacting with the community through the CMC and the Waste/Resource Society. This will ensure that there is ongoing interaction and should result in increased transparency.

Still to do:

***Determine the role of Mirror with CMC*** – There has been discussion about making Mirror a member of CMC or instead having Mirror regularly attend CMC meetings. This should be determined through a discussion at CMC and in discussion with Mirror. Having Mirror become a full-fledged member of CMC would require a change to the agreement (The Agreement) between HRM and Halifax Waste/Resource Society. That may not be worth pursuing on its own, unless the agreement is being opened up for some other reason.

\*\*\* Update - This has been reviewed with Jaimie Tax and with Mirror. Jaimie Tax indicated that there is no need to change the contract between the Society and HRM. The same could be accomplished by simply inviting Mirror to meetings. This would then allow the CMC the flexibility to go in camera if it needed to in order to discuss something without Mirror present. Mirror has agreed to this arrangement.

***Regular reporting based on agreement for specific information and frequency*** – There needs to be discussion with Mirror about what information should be regularly reported to CMC and how frequently. There is currently a report that is done monthly for HRM and CMC has been also provided with a copy. However it is a very comprehensive and large report and is likely much more than the CMC needs. It would seem to make sense to have a smaller, streamlined report that contains only information CMC needs, and also includes ad hoc reporting of any issues that may occur at Otter Lake that CMC should know about. As well, a protocol should be established for when CMC should be notified of any environmental, safety or any other issues that might occur at the landfill. CMC should also in turn have a reporting protocol to the community of any important information that should be disseminated.

\*\*\* Update - In discussions with Mirror, Ken Donnelly developed a draft template for information that would be filled out monthly and sent to CMC. Mirror has provided comments and it can now be reviewed by CMC.

***Process to address changes in the operations at Otter Lake (ex. FEP/WSF REVIEW) –***

Mirror is now operating a transfer station that redirects ICI Waste from Otter Lake to other landfills, meaning reduced organics and reduced tonnage processed and buried at Otter Lake.

Additionally there appears to have been significant progress in reducing the organics material to the Otter Lake RDF resulting from HRM's implementation of the clear bag program.

The first step is to establish a joint committee with representation from Mirror and CMC. Once the joint committee is established the group should meet to develop a structure, information requirements and a process to examine the issue.

\*\*\* Update - Ken Donnelly and Ken Meech have worked on a potential outline for such a process as a very preliminary step. It should be ready to be reviewed by CMC by September 8 2016 meeting.

**Item 3 - Revise ongoing relationship with HRM – 10% Complete – Medium Priority**

Not much has been done on this, and progress made has likely been offset by the concern at the Special Meeting of Council about Bill 176, which spilled over into concern about the relationship HRM has with the CMC. That was addressed directly through a letter to the Mayor, but who knows who read it at Council and whether it had any impact.

Both Ken Meech and Ken Donnelly have had discussions with Matt Keliher at HRM about having improved relations going forward. Matt Keliher has also been given an opportunity to review the Society's newsletter before it was finalized.

Also, the budget has been approved and it appears that HRM's budget reporting requirements will be basically the same as in the past. However there is room for improvement in budget tracking by CMC and by HRM, and transparency for Council and the public.

**Review membership as per CMC agreement ex. Mayor, Council members** – The Mayor and the Mayor before him have not been attending CMC meetings. Only having 3 of the 4 members of Council on the CMC would seem to be a missed opportunity to have better dialogue with Council and better understanding of the role of the CMC. As it is unlikely that the Mayor would attend CMC meetings, it might be better if there was someone else from Council attending instead. Explicitly removing the Mayor from the CMC would require a change to The Agreement, which would not seem reason enough to open up the Agreement for change (as it could invite change requests from HRM). If the Agreement is not being changed, then perhaps a letter could be sent to the Mayor asking that he appoint a representative of Council to attend in his place. This should be discussed with HRM.

**Reporting requirements to HRM as owner and joint permit holders** – This is an area that we need to explore, and it likely has to include Mirror in the discussion. We need to understand HRM's reporting expectations under the new contract and how HRM sees the role of CMC. Clarity is important here and there is little now. This will require discussion with HRM staff.

**Annual budget process for CMC and reporting and expenditure procedures** – We have already been through the budget process and the budget has been approved and increased. The budget will not likely need to be addressed at Council again unless it is changed and/or a member of Council brings it up at the time of review of the Solid Waste Budget. Currently, we have developed a budget tracking spreadsheet that shows budget and actuals. As there have been difficulties recently in getting budget reporting information from HRM, it would be better if CMC tracks expenditures and budget itself. Also, CMC may wish to provide an annual statement of budget and expenditures on its website to show complete transparency.

**Regular communication on waste reduction and waste diversion programs** – This simply requires dialog with HRM. How this can be achieved can be discussed with HRM staff.

**Improve relations with HRM Council and Staff to achieve a collaborative process** – During Council's discussion about the budget, there was a suggestion made that CMC regularly attend Council and make a presentation on its activities to improve communications. That subsequently turned into a presentation to the Environment and Sustainability Committee. Presenting to the Committee is reasonable, but it of course does not provide an opportunity to address all of Council. It would seem that CMC should proactively seek to speak to the Committee, but we

should also try to reach the rest of Council as well, perhaps by sending them copies of our presentation.

\*\*\* Update: Little has been done on this as Matt Keliher was off work for health reasons and has only recently returned to the office. On another matter, CMC has received a letter from HRM's Manager of Procurement imposing new restrictions and requirements on CMC. The letter informs CMC that it is not able to purchase goods or services directly, and must requisition them from the Manager of Solid Waste Resources. There was no consultation with CMC on this issue. This is a step backward in the effort to build a more positive working relationship between HRM and CMC. An objection and request to meet with CMC has been communicated to CAO John Traves.

#### **Item 4 - Review of Society and CMC agreements – 90% Complete – High Priority**

The sub-points to this item are:

- a. Retain solicitors to assist in a review of above to solidify our role, membership, access to information and accountability etc.
- b. Invite NSE to participate in the review and consider an ongoing role in the program
- c. Define the role /participation of Mirror

The next steps would be:

1. Engage our lawyers in reviewing the agreement and providing advice to us on what we want to change, especially with respect to the first bullet above, and how best to approach it. That should include a risk assessment of opening up The Agreement, and whether there might be another less risky approach, such as a MOU or other instrument.
2. Convene a meeting of the Technical Committee and our lawyers to discuss The Agreement and what we would like to see changed.
3. Discuss with NSE what their involvement might be going forward.

During all of these discussions and with any resulting actions, it is important to protect the participation and authority of the Halifax Waste/Resource Society and The Agreement. The Agreement spawns the CMC, and provides protection from unilateral changes to the CMC by HRM. The importance of this protection was underscored during recent discussion at Council in the Special Meeting on Bill 176 when twice a Councillor stated that HRM should review its relationship with CMC as a Committee of Council, and referenced the funding provided by Council. The strength of The Agreement is the cornerstone of community protection through oversight. As it is a legal agreement between HRM and the Society, it is protected from unilateral changes by HRM, and provides CMC protection from unilateral changes by Council.

With respect to the involvement of Mirror with the CMC, Mirror is sensitive to requiring CMC to officially change the agreement and is prepared to continue their participation with legitimate access to CMC meetings, with an opportunity to provide information and respond to issues and questions.

\*\*\* Update: Our legal advice is to move slowly on any changes to the Agreement. It would be prudent to explore changes in working relationships between Mirror, HRM and CMC before making any changes. Also, it appears, after meeting with NSE, that they would like to be kept informed but are not looking to be involved in any official manner that would require a change in the Agreement.

### **Item 5 - CMC structure and operations – 90% complete – Medium Priority**

There has already been significant progress on this item. Specifically:

1. We now have a regular meeting schedule
2. The website has an improved section on meetings and minutes and agendas are posted there, as well as the meeting schedule
3. The Role of the Executive Director has been documented
4. Mirror is attending CMC meetings
5. HRM staff have been invited to meetings, but have not attended

There still has to be some work done on exploring the proposed utilization of an executive committee and special committees. This should be discussed at Technical Committee and taken to the CMC at a regular meeting.

Also, there should be discussion about the relationship between NSE and CMC. That should be discussed at Technical Committee and with CMC.

Finally, Technical Committee should discuss the use of consultants.

\*\*\* Update: The NSE simply wants to be kept informed and is pleased that CMC is making an effort to increase communications with the community. Having a committee structure was the idea of the previous Chair, and that has not been echoed by others. If there is interest in doing so, CMC can ask Technical Committee to suggest a structure. There was also a suggestion to discuss the use of consultants, it appears that CMC is going to have that conversation with HRM very soon, particularly with respect to procurement.

## The Strategic / Key Issues Plan

The PLAN identifies the major activities of CMC on a go-forward basis incorporating the expanded role as dictated by the new agreement executed between HRM and MIRROR.

1. Need to develop a transparent communications strategy for community
  - a. Provide more information on a regular and timely basis
  - b. Develop a comprehensive website as the key means of communication with our public
  - c. Develop dialogue through newsletters, open houses, social media, websites, email lists
  - d. Interface with established community groups, stakeholders (ex Brunello )
  - e. Determine community requirements for information sharing
  
2. Develop communication/reporting relationship with Mirror
  - a. Collaborative based on openness and transparency
  - b. Role and participation in the CMC agreement including CMC meetings
  - c. Regular reporting based on agreement for specific information and frequency
  - d. Process to address changes in the operations at Otter Lake (ex. FEP/WSF REVIEW)
  
3. Ongoing relationship with HRM
  - a. Review membership as per CMC agreement ex. Mayor, Council members
  - b. Reporting requirements to HRM as owner and joint permit holders
  - c. Annual budget process for CMC and reporting and expenditure procedures
  - d. Regular communication on waste reduction and waste diversion programs
  - e. Improve relations with HRM Council and Staff to achieve a collaborative process
  
4. Review of Society and CMC agreements
  - a. Retain solicitors to assist in a review of above to solidify our role, membership, access to information and accountability etc.
  - b. Invite NSE to participate in the review and consider an ongoing role in the program
  - c. Define the role /participation of Mirror
  
5. CMC structure and operations
  - a. Ongoing role of CMC



- b. Regular meeting schedule /open to the public?
- c. Access to meeting dates, agendas etc via website - transparency
- d. Utilization of an executive committee/special committees
- e. Role of Executive Director
- f. Participation of Mirror in regular meetings
- g. Participation of NSE
- h. Participation of HRM staff
- i. Utilization of consultants



Text

**By Email**

September 1, 2016

John Traves, Q.C.  
Chief Administrative Officer  
Halifax Regional Municipality  
PO Box 1749  
Halifax, NS  
B3J 3A5

Dear Mr. Traves:

**Re: Correspondence From The Manager of Procurement**

We recently received correspondence (attached) from E. Jane Pryor, HRM Manager of Procurement, imposing new restrictions and requirements on the Community Monitoring Committee (CMC) regarding expenditures.

The letter states that CMC is not authorized to make expenditures, but instead must requisition all expenditures through the office of the Manager of Solid Waste Resources. CMC was surprised to receive this directive, as it was not consulted on the matter.

The CMC believes the new restrictions and requirements are not in the spirit of our recent discussions regarding the budget and role of CMC in monitoring the Otter Lake Landfill operation, and are a significant change in well-established and successful operating procedures. They represent an unnecessary irritant with the potential to erode what we hope will be an improved relationship between CMC and HRM.

In the 17 years that the CMC has been operating, there has never before been a requirement for CMC to requisition services through any HRM office. CMC has always made its own purchasing decisions, within the annual budget limit set for the CMC. Council approves that budget, and the Manager of Solid Waste Resources scrutinizes the expenditures before approving them for payment. In other words, there has been a system of checks and balances in place for the past 17 years that has worked well. It seems that a new requirement to have the Manager of Solid Waste Resources requisition services for CMC is a solution looking for a problem, which will have the additional negative effects of introducing unnecessary bureaucracy and lengthy timelines to the operation of the CMC.

As well, the sudden direction to requisition services through the office of the Solid Waste Resource Manager is odd, in that recent procured services have been from the same vendors who have been providing services to CMC for the past several years, namely

our communications and technical consultant Beyond Attitude Consulting Inc., the legal firm of Merrick Jamieson Sterns Washington and Mahody (MJSWM), and the Masthead News. Never before has there been any requirement for CMC to procure such services through HRM.

Our biggest concern is that requiring CMC to purchase services through HRM erodes the ability of the CMC to deliver on its mandate, namely the independent oversight of the operation of the landfill on behalf of the local affected communities. HRM deciding who will provide advice and services to CMC is not in the best interests of the community that we serve. We can picture how that might have played out over the last several years.

We remind HRM that CMC is not a committee of Council. CMC is an independent committee, established by the agreement between HRM and the Halifax Waste Resource Society, comprising representatives of HRM Council and representatives of the local affected communities. While HRM funds CMC, CMC is not a part of HRM.

An example may serve to help understand why this is an important issue for CMC. A little more than 2 years ago, Deputy Chief Administration Officer Mike Labrecque tried to prevent CMC from obtaining independent legal advice on the Agreement between HRM and The Halifax Waste-Resource Society. Mr. Labrecque insisted at the time that CMC had to obtain its legal advice from the legal staff at HRM. Clearly that requirement was not acceptable. CMC rejected it and engaged MJSWM, which has provided important guidance to us since. The requirements outlined in the letter, imposed without any consultation with CMC, reminds us of those dark days, and surprises us as we understood that both HRM and CMC were resolved to move forward in a much more cooperative and respectful manner. This includes, in our view, the CMC's ability to independently decide on what services it will procure and from whom.

I request your attendance at the next CMC meeting, to be held Thursday September 8<sup>th</sup> at 6:00 PM at the Lakeside Community Centre, to discuss the letter from the Manager of Procurement, so we can resolve this matter in a manner which will preserve the independence of CMC in performing its mandate of providing oversight of the operation of the Otter Lake Landfill Facility.

Yours sincerely,



John Cascadden  
Chair, HWRS

Cc: Members of CMC

Attachment

August 23, 2016

Attention: John Cascaden

Dear Mr. Cascaden,

via email: [jdcas@slccc.com](mailto:jdcas@slccc.com)

I am the Manager of Procurement for Halifax Regional Municipality. It has recently come to my attention that purchases made by/for the Community Monitoring Committee are not always being done in accordance with the terms of the agreement between HRM and the Halifax Waste Resources Society, nor in compliance with the public tendering requirements of the *Public Procurement Act*.

Section 9.07 of the agreement provides that “The Committee is not authorized to make expenditures or incur liabilities, but may requisition through HRM staff the expenditure of funds consistent with the allocation as approved by HRM under this Part 9 for the fiscal year in question.” As such, the CMC is not permitted to make direct expenditures, but must liaise with HRM staff to have HRM make any eligible expenditures on the CMC’s behalf. HRM is then responsible to ensure that such purchases are made in compliance with applicable legislation and trade agreements.

Therefore, please contact Matt Keliher, Manager of Solid Waste Resources at Halifax Regional Municipality in order to requisition all future expenditures of funds required by CMC. Please feel free to contact me should you have any questions or concerns.

Regards,



E. Jane Pryor, Manager of Procurement

cc: Matt Keliher

**HALIFAX**

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