

Remarks to Halifax Regional Council

By Scott Guthrie, Chair, Community Monitoring Committee

Presented virtually

From the Brunello Clubhouse

Approx. 1: 30 P.M, Tuesday, May 17, 2022

Good afternoon, Mayor Savage, and through you, to Council.

I contemplated beginning my remarks with a conventional thank-you – for giving us your time today to respond to two recent Council resolutions pertaining to the Community Monitoring Committee.

In the circumstances, though, I think that might leave the wrong impression.

Actually, as some of you know, I'm here today representing the Community Monitoring Committee by legal entitlement, not on sufferance. I refer to Article 9:06 of the 1999 legal agreement between the Halifax Waste Resource Society and the Halifax Regional Municipality. That's the legal agreement that established the landfill at Otter Lake.

That alone should tell you something about the Community Monitoring Committee. And this is the important point: the CMC is NOT – and I repeat NOT– a Community Liaison Committee, as HRM understands the term, even though some councilors seem determined to treat the CMC as one – or wish to remake it into one. The committee is a creation of the

1999 legal agreement, which I just referenced and the CMC mandate is set out in that document.

The CMC is not cut from the same cloth as the more subservient, HRM-controlled committees that fall under the community liaison committee rubric. Nor is the CMC a committee of Regional Council.

It's that feature of control – or perhaps I should say, lack of it – that seems to be the crux of the problem that some councilors have with the CMC these days.

Suffice it to say, the CMC is an arms-length community volunteer group, the result of the partnership struck between the Halifax Waste Resources Society and HRM that produced the 1999 agreement. The CMC monitors activities at the Otter Lake Landfill. The committee reports its findings to both the communities adjacent to the landfill that the CMC represents, and to its partner, HRM, which has representation on the CMC committee. The CMC also advocates on behalf of the communities it represents on landfill concerns, when the need arises.

REQUESTED NEGOTIATIONS

Now about those resolutions... First, I want to address briefly the Regional Council's stated desire to negotiate with the CMC to reshape its policies and protocols and to address financial, administrative and governance concerns identified in the recent staff report.

We agree that there is room for improvement when it comes to CMC's administrative and operational functions. We are open to looking at all well-meaning recommendations for that purpose. We welcome them.

At the same time, we are only interested in changes that strengthen the CMC, not enfeeble it. And as your staff has pointed out, Article 5.09 of the 1999 agreement gives the CMC, "the latitude to establish reasonable processes of its own initiative, provided they do not conflict with the terms of reference set out in the agreement between HRM and HWRS."

We believe we have used that latitude appropriately, but we are open to discussion.

We received, with interest, the results of the performance review, conducted under the auspices of the HRM's Chief Financial Officer. It was a review in which we declined to participate – not because we were against a review per se. Indeed we think it's an important check and balance on tax-funded operations such as our own.

However, because of HRM's obvious conflicting interests, the executive felt that an independent third party: namely HRM's Auditor General, or an independent auditor appointed by her, would have been more appropriate for the task, and would have carried more weight.

We sent a letter to the mayor and councillors with this suggestion, but we received no reply. This isn't a one-off situation. There have been a

number of instances, recently, in which our correspondence has gone unacknowledged – our letters have gone MIA, if you like. Were a review of HRM’s business practices to be done, we think this periodic oversight might call for some attention.

To close on this point, we are open to discussion.

DEFUNDING

Now I want to turn to the resolution that proposes to defund the CMC by \$47,500. That action will leave us with \$42,500 – that’s less than half of what we asked for – this fiscal year. We think the resolution was an ill-considered and unjustified move.

Our requested \$90,000 is the same annual amount we have received for the past six years.

Your defunding plan will leave the CMC with a budget less than what it had in its first full year of operation in 2000. The budgetary figure then was \$65,000. Put another way, what you propose to give us this fiscal year falls \$22,500 short of what we had more than 20 years ago. I think most people looking at Council’s proposal will find that a shade mean-spirited.

The CMC’s original annual budget of \$65,000 remained unchanged until February, 2016, when HRM staff reviewed CMC’s allocation. It was HRM staff that recommended that the CMC budget be increased to \$90,000

from \$65,000. The reasons given were inflation and the need to fund the activities required for CMC to fulfill its mandate.

CMC's activities have not diminished since then. So what makes it prudent to cut its funding now? Does HRM not wish to enable the CMC to discharge its duties in relation to the latest Otter Lake Landfill Operating permit? Does it no longer respect the agreement it has with the affected communities that allowed the landfill to go ahead in 1999 – and without an environmental assessment, I might add.

As we understand it, there is consternation that we have a part-time executive director and the cut is designed to remove his salary and presumably him. There has been a paid part-time executive director's position with CMC since the committee was established in 1999. We have had three executive directors of CMC over the course of its operations – Ken Donnelly, Don Mason and Ken Meech - before the incumbent, Reg Rankin, assumed the role in November, 2016. The executive director's job is the only permanent part-time staff position associated with our volunteer committee.

Believe me, all our part-time executive directors have earned their modest salaries. We rely upon them to co-ordinate our activities and facilitate our meetings and correspondence, arrange for our communications, engineering and legal advice, website and social media help. Those of us who are volunteers don't have time to deal with those

administrative tasks ourselves, and the councilors that sit on the CMC don't either, judging by their busy schedules.

But you are right, there is no salary for an executive director explicitly mentioned in the 1999 agreement. However, required funding in the agreement by HRM does provide for "part-time administrative and clerical support" in Article 9:04 (b) and that's exactly what our executive director supplies. Based on this article in the agreement and the history of our organization, we believe we are fully entitled to a funded position for a part-time executive director and with the same salary that was allotted to the position last year. A refusal to fund the position at this juncture would be unduly punitive and amount to a contravention of our agreement.

I also want to put on the record, that contrary to allegations that have reached us from council's deliberations, CMC's current executive director did not move to raise the executive director's salary by \$12,000 in February 2016. This is completely false.

The CMC Board sets the executive director's remuneration. Moreover, our current executive director wasn't the first to benefit from an increase in salary due to the expanded budget we received in 2016. Initially, it went to his predecessor. The current executive director inherited the salary increase.

As I recall, our need for independent legal advice also came in for criticism. Supposedly this was highly improper of CMC. Actually CMC has routinely sought and paid for legal advice from its own lawyers since 1999. Our agreement provides for “ professional fees for services and advice on matters within the mandate of the Committee...” to be included as part of the allocation to the annual budget of solid waste management for CMC’s expenses. HRM’s staff report in 2016 cited growing legal expenses as one of the reasons for recommending our budgetary increase back then. Past HRM councils have never had a problem with us for seeking independent legal advice.

CMC’s budget needs have not changed but its monitoring activities are likely to grow should the front-end processor and waste stabilization facility be deactivated. Yet, by all accounts, HRM will save \$2 million from the deactivation. We don’t believe that \$90,000, the same sum we have had since 2016, is unreasonable to expect again this year.

So why this concern, now, about our budget? From our point of view, the plan to cut CMC’s funding is part and parcel of a deliberate strategy to enfeeble not only the committee, but the underlying 1999 agreement.

We know full well that certain councillors have taken offence at CMC’s opposition to Regional Council’s plan to deactivate the front-end processor and waste stabilization facility. The CMC has always asserted that without replacement of the FEP and WSF, “unacceptable waste,” as

defined by the 1999 agreement, would be trucked and dumped in contravention of that agreement.

As the voice of the communities it represents, the CMC was duty-bound to oppose the application and it has done so vigorously.

So how to understand the desire to hobble CMC's activities now with an unwarranted and unjustified deep funding cut?

There's no mystery. Quite simply, this proposed severe reduction certainly comes across as punitive. And it will be plain to anyone who has followed this issue. Frankly, the action is unworthy of the HRM Council. It's your choice, of course, but I think most fair-minded people would agree that vindictive action against a community volunteer group is not a good look for Halifax Regional Council.

You might also want to consider the message it will send to other volunteer groups in HRM . It won't provide a great incentive for volunteerism or community participation in municipal government.

FINAL THOUGHTS

Anyone listening to my remarks, today, will likely conclude – and quite rightly – that the 1999 partnership forged between HRM and the communities adjacent to the landfill is fraying.

Until our recent difference of opinion over HRM's deactivation plan for the landfill's front-end processor and waste stabilization facility, our respective organizations worked well in partnership, together with Mirror Nova Scotia and HRM staff, to serve our respective communities. In some ways it has been a model of its kind. The 1999 agreement was certainly a landmark achievement, based on mutual interests and a sincere desire to avoid the horrors of the Sackville Landfill, which bedeviled the Cities of Halifax and Dartmouth, the Town of Bedford, the County of Halifax, and their residents for many years.

We all have the same goal, which is to serve our communities' best interests to the best of our abilities. When our views diverge on what those best interests are, we have a problem.

It certainly seems to us that HRM Council is strategically trying to hamstring, undermine and enfeeble the CMC and the 1999 agreement. There should be a better way to deal with these differences, because after all, it's our communities that suffer most when there is dysfunction.

Our communities are taking note. There has been a lot of commentary by observant citizens on social media, lately, in regard to the recent resolution to slash CMC's funding. The consensus is that the action is high-handed and unfair. We agree.

As I've said before, we are open to discussion. We would like to restore the harmony in our partnership in ways that allow for occasional respectful differences of opinion. We all have different perspectives.

But an improved relationship won't be obtained by substantially stripping the CMC's budget, or by reducing its ability to carry out its obligations under the 1999 agreement.

We need to get back on the same page for the citizens who rely on us to ensure that the enjoyment of their homes, their businesses and their health is not compromised by living in the midst of Nova Scotia's only landfill operating in an urban environment.

Your choice! As far as CMC is concerned, we're open to discussion.

-THE END -