



Via E-Mail

September 21, 2021

**Re: HRM proposed Performance Review of the Community Monitoring Committee
HRM Council Meeting on August 17, 2021**

Dear Mayor Savage and Councillors:

As you are aware, the Community Monitoring Committee (CMC) was created and mandated by virtue of a legal agreement between the Halifax Waste Resource Society (HWRS) and Halifax Regional Municipality (HRM) for the purpose of oversight by the adjacent communities of the Otter Lake Landfill facility. Funding for the operation of the CMC is stipulated in the agreement to be provided by Halifax Regional Municipality.

The CMC is not a committee of HRM. Its members are appointed by both HRM and the Halifax Waste Resource Society, and include local community residents, HRM residents, and members of Council. The CMC is intended to be autonomous from HRM in the sense that it is an arm's length organization whose first loyalty lies with the adjacent communities in ensuring them protection against any adverse effects arising out of the operation of the Otter Lake landfill for the lifetime of the facility. As such, the CMC is a voice for and on behalf of the adjacent communities and it is not a committee or agency of Halifax Regional Municipality. In presenting a motion at Council on August 17, 2021, Councillor Lovelace casts the CMC as being 'our watchdog' meaning the watch dog of HRM. This fundamental misperception of the role of CMC by Councillor Lovelace obscures the real role of the CMC which is to be the watch dog not of HRM, but of the adjacent communities.

There is a necessary tension between the role of the CMC and that of HRM. HRM wants and needs a waste disposal facility for the entire Municipality, which CMC accepts, but not at unreasonable risk to the adjacent communities. Given that the CMC is the counterbalance to the HRM's objectives in operating a landfill facility, it is not appropriate that HRM would take unto itself the role of audit and review of the CMC.

Funding for the CMC is provided by taxpayers, and the CMC understands that is not above audit and review by an appropriate and independent body. However, having a review go forward

under the auspices of the Chief Administrative Officer of HRM does not ensure the necessary level of objectivity and absence of bias for the purposes of a credible review. Imperative in any audit process put forward is that it is seen by the community as independent and credible. An audit by the CAO of HRM runs the very real risk of being perceived as one where the findings and recommendations are tilted in favour of HRM having a free hand in the operation of the landfill facility and at the same time eliminating an irritant, that being the voice of the adjacent communities. An appropriate audit could be performed by a body such as the Auditor General of HRM or an independent third party appointed by the Auditor General.

Council passed its motions without appropriate community consultation or an opportunity on the part of the CMC to present its views. Notably, in addition to the concerns outlined above, the CMC does not believe that HRM has the authority to direct that an audit and review of the CMC go forward. Authority to "modernize" the CMC is not found within the agreement between Halifax Waste Resource Society and HRM. Further, given the unique and autonomous role of the CMC, in that it is an arm's length entity, the very real question arises concerning the authority of HRM to direct that an audit and review take place. That issue was not raised in the course of the discussion at HRM Council prior to the passage of the motion. This procedural oversight is one which HRM should review prior to taking any further steps.

Respectfully submitted by the CMC for consideration of Mayor Savage and HRM Councillors.

Sincerely,



Scott Guthrie
Chair, CMC
(For CMC Executive Committee)

Copy:
Directors, Halifax Waste Resource Society
HRM Clerks Office