

Note: There will be a Special Council Meeting immediately following the Policy & Strategy Committee Meeting

Policy & Strategy Committee Meeting AGENDA

Tuesday, January 19, 2021 – 9:00 a.m.

- 1. CALL TO ORDER**
- 2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION**
- 3. APPROVAL OF AGENDA**
- 4. APPROVAL OF MINUTES of December 15, 2020 (as circulated)**
- 5. BUSINESS ARISING FROM MINUTES**
- 6. PRESENTATIONS - NIL**
- 7. REFERRAL FROM COUNCIL - NIL**
- 8. STAFF REPORTS**
 - 8.1. Planning Department**
 - 8.1.1 Corporate Greenhouse Gas Emissions Reduction Target..... 1-12
 - 8.1.2 Proposed Amendments to Private Roads By-law 13-45
 - 8.2 Finance Department**
 - 8.2.1 Re-adoption of Audit Committee Terms of Reference..... 46-50
 - 8.2.2 Review of MODL Policy 003 Council Members’ Remuneration and Expenses 51-57
 - 8.2.3 Review of MODL Policy 077 Gifts & Hospitality 58-65
 - 8.2.4 Budget Process Presentation..... 66-74
 - 8.3 Administration Department**
 - 8.3.1 Strategic Priorities..... 75-79
- 9. MAYOR’S/DEPUTY MAYOR’S/COUNCILLORS’ MATTERS**
 - 9.1 Update from the Bridgewater & Area Chamber of Commerce (Councillor Haysom)
- 10. ADDED ITEMS**
- 11. IN CAMERA**
- 12. NEXT MEETING – February 16, 2021 – 9:00 a.m.**
- 13. ADJOURNMENT**



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy and Strategy Committee
SUBMITTED BY: Zach Thompson
DATE: 19/01/2021
RE: Corporate Greenhouse Gas Emissions Reduction Target

RECOMMENDATION

That the Policy and Strategy Committee recommend that council choose Option A and set a greenhouse gas emissions reduction target of 45% below the 2019 inventory levels by 2030, as well as make a statement of support for reducing emissions from the LCLC.

DISCUSSION

Council declared a climate emergency in October 2019 and joined the Partners for Climate Protection Program (PCP) to help reduce GHG emissions within the municipality. Milestone 1 of the PCP program was achieved in September 2020 and council now needs to set a GHG reduction target in order to achieve milestone 2.

There are three options available to the Policy and Strategy committee to recommend to council: Option A a 45% reduction, Option B a 40% reduction, and Option C a 30% reduction. All options use the 2019 GHG inventory as the baseline year from where GHG emission reductions will be measured. Furthermore, council may make a statement supporting GHG emissions reductions at the LCLC while recognizing that it is not include within the MODL corporate inventory.

Option A is recommended by staff as setting a GHG reduction target of 45% will ensure that MODL is aligned with the goals of the Paris Accord and is doing its part to help limit warming to 1.5°C.

Once approved the GHG reduction target will need to be signed by council and sent to the Federation of Canadian Municipalities to be recorded.

BUDGET IMPLICATIONS

None. Projects requiring a budget will be brought to council on an annual basis.

STRATEGIC PLAN

Reducing emissions aligns with councils Climate Emergency strategic priority.

ALTERNATIVES

Recommend Option B a reduction of 40%

Recommend Option C a reduction of 30%

CONCLUSION

MODL must set a GHG reduction target to achieve Milestone 2 of the PCP program. Staff recommends a reduction target of 45% below the 2019 inventory by 2030 to align MODL with the Paris accord and the overall goal of limiting warming to 1.5°C.

Department:

Report Prepared By: Zach Thompson Date: 12/01/2021

Report Approved By: Date:

Reviewed By CAO: Date:

PCP Milestone 2

1

Targets

- ▶ Option A: 45%
- ▶ Option B: 40%
- ▶ Option C: 30%

2

Assumptions

- ▶ Costs are based on estimates from EnergyHub
- ▶ <https://www.energyhub.org/nova-scotia/>
- ▶ Cost for solar \$2.43 - \$2.68 per watt
- ▶ Vehicle savings based on gas \$0.96 per litre
- ▶ Emissions factor 484 g CO₂e per KWH

3

Option A

- ▶ Reduce emissions by 45% below 2019 inventory by 2030
- ▶ Meets Paris accord
- ▶ In line with doing our part
- ▶ Strongest doable option
- ▶ Highest Cost
- ▶ Highly Ambitious

4

Includes

► Solar:

Location	Size in KW	Cost Low	Cost High	Savings Per Year
Office	100	243	268	18,000
MARC	80	194.4	214.4	14,808
New Germany WWTP	100	243	268	13,827.86
Hebbeville Sewer	40	97.2	107.2	6,152.65
Pump 20 (Sewer pump Jubilee Road)	33	80.19	88.44	5,738.99

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► Vehicles

► Replace all vehicles with EV's

Vehicle	Fuel Savings Per year	Lifetime
2011 Ford Escape	1600	9600
2014 Chev Express	1200	6000
2014 Ford Truck	1350	8100
2016 Escape	1300	7800
2016 Nissan Frontier	1350	8100
2019 Dodge Truck	1300	7800
2019 Jeep	1300	7800
2019 Jeep	1300	7800
Toyota Truck	1600	9600

6

- ▶ Retrofits
- ▶ Retrofit MARC to full electric heating (or geothermal)
- ▶ Cost ~\$180,000 est
- ▶ MARC achieves net zero emissions with solar panel

7

- ▶ Waste Trucks fully EV by 2030
- ▶ Corporate waste reduced by 10%

8

Total Costs and Savings

Projects	Cost	Savings per year
Solar	857.79 - 946.04	58,528
EV's	-180,000	12,300 in fuel
Retrofits	-180,000	13,000
Totals	1,306,000	83,528

9

Option B

- ▶ Reduce emissions by 40% below 2019 inventory by 2030
- ▶ More Achievable
- ▶ Flexibility
- ▶ Does not meet Paris Accord

10

Includes

► Solar


Location	Size in KW	Cost Low	Cost High	Savings Per Year
Office	100	243	268	18,000
MARC	80	194.4	214.4	14,808
New Germany WWTP	100	243	268	13,827.86
Hebbeville Sewer	40	97.2	107.2	6,152.65

11

Replace most vehicles with EV's


Vehicle	Fuel Savings Per year	Lifetime
2011 Ford Escape	1600	9600
2014 Chev Express	1200	6000
2014 Ford Truck	1350	8100
2016 Escape	1300	7800
2016 Nissan Frontier	1350	8100
2019 Jeep	1300	7800
Toyota Truck	1600	9600

12



- ▶ Retrofits
- ▶ Retrofit MARC to full electric heating (or geothermal)
- ▶ Cost ~\$180,000 est
- ▶ MARC achieves net zero emissions with solar panel

13



- ▶ Waste Trucks fully EV by 2030
- ▶ Corporate waste reduced by 10%

14

Total Costs and Savings

Projects	Cost	Savings per year
Solar	777,600 - 857,600	52,789
EV's	-140,000	9,700 in fuel
Retrofits	-180,000	13,000
Totals	1,177,600	75,489

15

Option C

- ▶ Reduce emissions by 30% below 2019 inventory by 2030
- ▶ Easy to achieve
- ▶ Low cost
- ▶ Low target
- ▶ Does not meet Paris Accord

16

Includes

► Solar

Location	Size in KW	Cost Low	Cost High	Savings Per Year
Office	100	243	268	18,000
MARC	28	68	75	5,183.85
New Germany WWTP	100	243	268	13,827.86
Hebbeville Sewer	40	97.2	107.2	6,152.65

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Replace most vehicles with EV's

Vehicle	Fuel Savings Per year	Lifetime
2011 Ford Escape	1600	9600
2016 Escape	1300	7800
2019 Jeep	1300	7800
Toyota Truck	1600	9600

Waste Trucks Natural Gas by 2030

Corporate waste reduced by 10%

18

Total Costs and Savings

Projects	Cost	Savings per year
Solar	651,200 - 718,200	43,164.50
EV's	-80,000	5,800 in fuel
Totals	937,600	48,964.50

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LCLC

- ▶ All options can include a statement about LCLC that we will help to reduce emissions from the LCLC.
- ▶ Energy Audit found that a reduction of ~18% was possible.
- ▶ Total LCLC emissions in 2018 were 2540 tonnes of CO₂e
- ▶ I.E Council sets a Corporate GHG emissions reduction target of 45% below the 2019 GHG inventory level by 2030, as well as endorses funding GHG reduction projects at the LCLC.

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Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy and Strategy Committee
SUBMITTED BY: Byung Jun Kang, Planner
DATE: January 19, 2021
RE: By-law 040A: Amendments to the Private Roads By-law (2021)

RECOMMENDATION

That Policy and Strategy recommend Municipal Council to adopt By-law 040A, Amendments to the Private Roads By-law (2021), as stated in Appendix A of the staff report dated January 19, 2021.

EXECUTIVE SUMMARY

A by-law is proposed to amend the Private Roads By-law. The purpose of this amendment is to clarify the application process for any landowners living on a private road to enter into a private road agreement with the municipality.

LEGISLATIVE AUTHORITY

Municipal Government Act, clause 81(1)(da): “The council may make by-laws imposing, fixing and providing methods of enforcing payment of charges for laying out, opening, constructing, repairing, improving and maintaining private roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads, where the cost is incurred by the municipality, or under an agreement between the municipality and a person.”

INTRODUCTION

Dave Sutherland, a landowner living on a private road in Camperdown, requested Council to establish a private road charge area for Rocky Lake through the newly-introduced alternative process to the traditional petition process (Item 10.2.3 of the Council meeting on November 24, 2020). After reviewing the application, staff realized that forming a non-profit association under the **Societies Act** is still mandatory under the alternative process, which is not the intention.

EXPLANATORY NOTES

By-law 040A is attached as Appendix A of this report, which lists the changes to the existing Private Roads By-law in Appendix B. The proposed Private Roads By-law, which consolidate Appendices A and B, is attached as Appendix C. In By-law 040A:

- **Section 1** sets out the title of By-law 040A.
- **Section 2** changes the title of By-law 040 as the short title of By-law 040.
- **Section 3**
 - clarifies the definitions of an applicant, an association, and a landowner. In either case, all applicants and associations must represent the majority of the landowners living in a proposed private road charge area; and
 - includes a definition of the fiscal year from April 1 to March 31, as defined in the **Municipal Government Act**.
- **Section 4** reduces the process of application using an alternative method by eliminating the requirement to file a petition. This section also requires a municipal staff to notify the council if a complete application is submitted before a council meeting is held to pass a resolution to accept the application.
- **Section 5** lists the supporting documents to be submitted in an application.
- **Section 6** corrects grammatical errors.
- **Section 7** rearranges words and inserts a reference for clarity.
- **Section 8** inserts a reference for clarity.
- **Section 9** allows the municipality to assume that public notices are deemed delivered by mail after certain days, which is suggested under the service standards of Canada Post. This section also clarifies that lack of written correspondences to the public notice is not deemed as an opposition to the proposed private road charge area, and that failing to form an association is due to the lack of residents in number, not due to the lack of residents in favour of the proposed charge area.
- **Section 10** allows the municipality to transfer a charge collection agreement from an applicant to an association, once the charge area landowners can form the association.
- **Section 11** allows an association to set the threshold of votes in favour to approve its budget, so long as it is more than one-half of the landowners in the charge area.
- **Sections 12 to 13** correct a grammatical error.
- **Section 14**
 - mandates a charge exemption request to be in writing; and
 - corrects a grammatical error.
- **Sections 15 to 19** correct a grammatical error.
- **Section 20** corrects grammatical errors resulting from Section 10.
- **Section 21** allows the application forms to be revised by municipal staff.

WORK PLAN

A standard by-law adoption procedure, listed under Table 1, is followed to amend this By-law.

Table 1

A by-law adoption procedure

Legislative Authority	Procedure	Tentative Date
MODL Policy 002, subsection 3.1	Policy and Strategy Committee recommends	January 19, 2021
Municipal Government Act , subsection 168(1)	Council conducts a first reading.	January 26, 2021
Municipal Government Act , subsection 168(2)	At least 14 days before a second reading, a notice of intention is published in a newspaper.	February 3, 2021
Municipal Government Act , clause 169(2)(a)	Council conducts a second reading.	February 23, 2021
Municipal Government Act , clause 169(2)(c)	A notice of approval is published in a newspaper.	February 25, 2021 (By-law is effective)
Municipal Government Act , subsection 169(3)	Municipal Clerk files a certified copy of the by-law with the Minister of the Municipal Affairs & Housing.	February 26, 2021

APPENDICES

Appendix A: By-law 040A, Amendments to the Private Roads By-law (2021)

Appendix B: By-law 040, original in effective as of June 17, 2020

Appendix C: By-law 040, consolidated to include the changes in By-law 040A

Department: Planning & Development Services

Report prepared by: Byung Jun Kang, Planner

Date: 2021-01-12

Report approved by: Jeff Merrill, Director

Date: 2021-01-12

Reviewed by CAO: Tom McEwan, Chief Administrative Officer

Date: 2021-01-14

**Municipality of the District of Lunenburg
BY-LAW**

Title: Amendments to the Private Roads By-law (2021)	
By-Law No. 040A	Legislative Authority: Municipal Government Act , Section 75 Municipal Government Act , clause 81(1)(da)
Effective Date: February 25, 2021	Amended Date: N/A

Title of this amending by-law

1 This By-law is entitled the Amendments to the Private Roads By-law (2021).

Title

2 Section 1 of By-law 040, the Private Roads By-law, is amended by striking out “may be cited as” and substituting “is entitled”.

Interpretation

3 Section 2 of By-law 040 is amended by

- (a) repealing clauses (b) to (c) and substituting the following clauses:
 - (b) “applicant” means a landowner on a private road in the Municipality who cannot meet the definitions of an association in clause (c);
 - (c) “association” means a non-profit society
 - (i) incorporated under the **Societies Act**, or
 - (ii) unincorporated but in the process of being incorporated with the Registry of Joint Stock Companies under the **Societies Act**;
- (b) striking out “pursuant to Subsection 75(2) or Clause 81(1)(da)” in clause (e) and substituting “under subsection 75(2) or clause 81(1)(da)”;
- (c) striking out “, physically defined in a petition or a request submitted pursuant to this By-law” in clause (f) and substituting “for maintenance or improvement of all the private roads in the area, and physically defined in an application submitted under this By-law”;

- (d) adding immediately after clause (f) the following clause:
 - (fa) “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;
- (e) repealing clause (h) and substituting the following clause:
 - (h) “landowner” means a registered owner as defined in the **Land Registration Act**, and for the purpose of calculating the percentage of landowners under clauses 4(1)(b), 4(1)(e) and 6(c), a parcel of real property with more than one landowner is counted as having one owner;

; and
- (f) striking out “including but not limited to” in clause (i) and substituting “such as”.

Approval by resolution

- 4** Section 3 of By-law 040 is repealed, and the following Section substituted:
 - 3**
 - (1)** Subject to subsection (2), Council may, by resolution, approve an application from an applicant or an association to enter into an agreement between the Municipality, and the applicant or the association, regarding a charge.
 - (2)** If a development officer receives an application, Council must give at least 7 days notice to all Council members before approving the application.

Application requirements

- 5** Section 4 of By-law 040 is repealed, and the following Section substituted:
 - 4**
 - (1)** If an association applies, the application in Section 3 must be submitted with
 - (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to Section 6, a copy of the memorandum and the by-laws of the incorporated association approved by or proposed to the Registrar of Joint Stock Companies;
 - (c) subject to clause (d), an estimated operating budget for private road maintenance or an estimated capital budget for private road improvement, including the amount budgeted for general reserve, planned for the next fiscal year of submission;

- (d) a record of meeting minutes, passed by the association and signed by a director of the association with signing authority, approving the annual operating budget or the annual maintenance budget;
 - (e) subject to Section 5, a method of collecting charges; and
 - (f) any other information that Council may require to determine the method of calculation or the amount of charges necessary.
- (2)** If an applicant applies, the application in Section 3 must be submitted with
- (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to subsection 8(2), an estimated operating budget for private road maintenance, including the amount budgeted for general reserve, planned for the next fiscal year of the fiscal year of submission;
 - (c) subject to Section 5, a method of collecting charges;
 - (d) supporting documents to determine the circumstances under subsection 8(6); and
 - (e) any other information that Council may require to determine the method of calculation or the amount of charges necessary.

Methods of collecting charges

6 Section 5 of By-law 040 is repealed, and the following Section substituted:

- 5** The Municipality must impose a charge
- (a) as the uniform amount for each lot in the Charge Area;
 - (b) as the uniform amount for different classes of development, including but not limited to vacant land, seasonal lot, and commercial parcel of land; or
 - (c) by the method approved by the Council.

Association by-laws

7 Section 6 of By-law 040 is amended by

- (a) striking out “shall contain the clauses” and substituting “, as required under clause 4(1)(b), must”;

- (b) striking out “that clearly states the purpose of the Association is to conduct maintenance and improvement to” in clause (a) and substituting “state the purpose of the association is to conduct the maintenance, the improvement, or both the maintenance and improvement on”;
- (c) striking out “that mandates” in clause (b) and substituting “mandate”; and
- (d) adding immediately after clause (b) the following clause:
 - (c) have more than one-half of the landowners of Charge Area as the members of the association as defined in subsection 15(1) of the **Societies Act**.

Public properties

8 Section 7 of By-law 040 is amended by

- (a) striking out “a” as it appears the first time;
- (b) striking out “in the definition of a landowner and shall be” and substituting “as a landowner in this By-law and are”; and
- (c) striking out “Sections 3 to 6” and substituting “clause 4(1)(e) and the list of members under clause 6(c)”.

Application by applicant

9 Section 8 of By-law 040 is repealed, and the following Section substituted:

- 8**
- (1)** This Section applies only to an application submitted by an applicant.
 - (2)** The operating budget submitted with the application in subsection (1) must be itemized and reasonable for the length and condition of private roads in the Charge Area.
 - (3)** After a notice is given under subsection 3(2), and at least 45 days before the Council meeting to consider an application in subsection (1), the Municipality must notify all the landowners within the proposed Charge Area determined under clause 4(2)(a) by ordinary mail, in which the notice includes
 - (a) a description of the proposed request;
 - (b) the date, time, and place of the Council meeting on the proposed request; and
 - (c) a method of submitting a written response before the Council meeting regarding the proposed request.

- (4) The notice under subsection (3) is deemed to have been given, for a mailing address in the parcel register
 - (a) within Nova Scotia, on the third day after the date of mailing; or
 - (b) outside of Nova Scotia, on the ninth day after the date of mailing.
- (5) The general consensus of the landowners in the Charge Area must not be an active opposition to the charge proposed in the application under subsection (1), in which the lack of written responses is not deemed as the active opposition.
- (6) Subject to subsections (2) to (5), Council may consider designating a Charge Area and levy a charge in one or more of the following circumstances:
 - (a) the applicant exercised due diligence in communicating with the other landowners in the Charge Area;
 - (b) the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the **Societies Act**, despite representing more than one-half of all the landowners in a Charge Area;
 - (c) the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area, such as when some landowners are not contributing to the maintenance of their private road;
 - (d) the non-performance of road maintenance is causing public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.

Charge collection agreement

10 Section 9 of By-law 040 is amended by

- (a) striking out “Upon the acceptance of petition in Section 5 or request in Section 8 by resolution of the Council” and substituting “If Council approves an application in Section 3”;
- (b) striking out “which” and substituting “in which the agreement”;
- (c) striking out “shall” in clause (a) and substituting “must”; and

- (d) repealing clauses (c) and (d) and substituting the following clauses:
 - (c) identifies the method of collecting a charge that the person indicated in the application;
 - (d) specifies a time period that the agreement is effective, with or without conditions for the renewal of agreement;
 - (e) indicates that this agreement may be transferable under the conditions set out in the agreement; and
 - (f) contains any other clauses that the Council may require.

Annual budgets

11 Section 10 of By-law 040 is repealed, and the following Section substituted:

- 10**
 - (1)** Subject to subsection (2), if the Municipality enters into an agreement with an association in Section 9, the association must submit an operating budget or a capital budget for each fiscal year to conduct private road maintenance and improvement, respectively.
 - (2)** The budgets in subsection (1) must be approved by an ordinary resolution of the association.
 - (3)** If the Municipality enters into an agreement with an applicant in Section 9, the applicant must submit an operating budget for each fiscal year to conduct private road maintenance, in which the operating budget must be approved by a resolution of the Council.

Fiscal year

12 Section 11 of By-law 040 is amended by

- (a) striking out “A petition, request” and substituting “An application”; and
- (b) striking out “shall” and substituting “must”.

Administration fee

13 Section 12 of By-law 040 is amended by

- (a) striking out “shall” and substituting “must”; and
- (b) striking out “stated in Subsection 4.1 of Policy MDL-58” and substituting “under subsection 4.1 of Policy 058”.

Charge exemptions

- 14** (1) Subsection 13(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”; and
 - (b) adding “in writing” immediate after “request”.
- (2) Subsection 13(2) of By-law 040 is amended by
- (a) adding “The” at the beginning; and
 - (b) adding “in subsection (1)” immediately after “landowners”.
- (3) Subsection 13(3) of By-law 040 is amended by striking out “pursuant to” and substituting “under”.

Effectiveness of liens

- 15** (1) Subsection 15(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”;
 - (b) striking out “shall remain” and substituting “remains”; and
 - (c) striking out “pursuant to” and substituting “under”.
- (2) Subsection 15(2) of By-law 040 is amended by striking out “Subsection” and substituting “subsection”.
- (3) Subsection 15(3) of By-law 040 is amended by
- (a) striking out “Subsections” and substituting “subsections”; and
 - (b) striking out “shall remain” and substituting “remains”.

Charge collection notice

- 16** Subsection 17(1) of By-law 040 is amended by
- (a) striking out “Subsection” and substituting “subsection”; and
 - (b) striking out “the Development Officer shall” and substituting “a development officer must”.

Billing of charge

- 17** (1) Subsection 18(1) of By-law 040 is amended by
- (a) striking out “pursuant to” and substituting “under”; and
 - (b) striking out “shall” and substituting “must”.
- (2) Subsection 18(2) of By-law 040 is amended by striking out “Subsection (1) shall” and substituting “subsection (1) must”.

Interest on unpaid Charge

- 18** Section 20 of By-law 040 is amended by striking out “determined by resolution of Council regarding taxes and overdue charges” and substituting “set under Section 8 of Policy 009”.

Charge payout

- 19** Section 21 of By-law 040 is repealed, and the following Section substituted:

- 21** (1) The Municipality must transfer the amount requested by an association, which is stated in its annual budget in subsection 10(1) and excludes the administration fee in subsection 4.1 of Policy 058 to the association by 15 days after the due date in Section 19, or its next working day if it is a holiday.
- (2) Subject to subsection 10(3), the Municipality must transfer the amount requested by an applicant, which is stated in its annual budget in subsection 10(3) and excludes the administration fee in subsection 4.1 of Policy 058 to the applicant by 15 days after the due date in Section 19, or its next working day if it is a holiday.

Termination of agreement

- 20** Section 22 of By-law 040 is repealed, and the following Section substituted:

- 22** (1) Council may, by resolution, terminate an agreement made under Section 9, if
- (a) an association submits a certified copy of a special resolution passed to terminate the agreement;
 - (b) an applicant submits a letter of consent to terminate the agreement;
 - (c) an applicant or association breaches any of the clauses in the agreement;
 - (d) an applicant does not meet the condition for the renewal of agreement after the agreement expires; or
 - (e) an applicant meets the condition of transferring the agreement.
- (2) The termination of an agreement in subsection (1) is not effective until all charges payable under this By-law are collected.

Application forms

- 21** Schedule A of By-law 040 is repealed.

Annotation for Official By-law Book

Date of Adoption **February 25, 2021**

Date of First Reading January 26, 2021

Date of Advertisement of Notice of Intent to Consider February 3, 2021

Date of Second Reading February 23, 2021

*Date of advertisement of Passage of By-law February 25, 2021

Date of mailing to Minister a Certified copy of By-law February 26, 2021

*Effective Date of the By-law unless otherwise specified in the text of this By-law

I certify that this “Amendments to the Private Roads By-law (2021)” was adopted by Council and published as indicated above.

Sherry Conrad, Municipal Clerk

Date

MUNICIPALITY OF THE DISTRICT OF LUNENBURG

A BY-LAW RESPECTING THE MAINTENANCE AND IMPROVEMENT OF PRIVATE ROADS

Be it enacted by the Council of the Municipality of the District of Lunenburg, under the authority vested in it by Sections 75 and 81 of the **Municipal Government Act**, that a By-Law Respecting the Maintenance and Improvement of Private Roads be adopted as follows:

Short Title

1 This By-law may be cited as the **Private Roads By-law**.

Interpretation

2 In this By-law,

- (a) “Act” means the **Municipal Government Act**;
- (b) “applicant” means a landowner on a private road in the Municipality who requested Council to designate a Charge Area as per Subsection 8(1);
- (c) “association” means a non-profit society formed for the purpose of representing the landowners of within a Charge Area, incorporated under the **Societies Act** and registered with the provincial Registry of Joint Stock Companies;
- (d) “Council” means the Council of the Municipality of the District of Lunenburg;
- (e) “charge” means a charge imposed pursuant to Subsection 75(2) or Clause 81(1)(da) of the **Municipal Government Act** in an amount determined in this By-law and payable in respect of the private road maintenance or improvement;
- (f) “Charge Area” means an area to which a charge is imposed, physically defined in a petition or a request submitted pursuant to this By-law;
- (g) “improvement” means the work undertaken on a private road to improve upon the existing condition or to increase the service level of the private road;
- (h) “landowner” means
 - (i) an owner, part owner, joint owner, tenant in common or joint tenant, excluding the Municipality, of any interest in the whole or any part of parcel of land or a building in a Charge Area and having the right to use the private road;

- (ii) in the absence or incapacity of a person having ownership of any interest in the parcel of land or building, a trustee, executor, guardian, agent, representative, mortgagee in possession, or any other person having the care or control of land or building in a Charge Area and having the right to use the private road; or
- (iii) in the absence of proof to the contrary, the person assessed for the property tax on the parcel of land or building in a Charge Area and having the right to use the private road;

and for the purpose of calculating the percentage of landowners in Section 3, a parcel of real property with more than one landowner shall be counted as having one owner;

- (i) “maintenance” means the work undertaken on a private road to sustain the existing condition or service level of the private road, including but not limited to snowplowing, brush-cutting, pothole-filing, repaving;
- (j) “Municipality” means the Municipality of the District of Lunenburg; and
- (k) “private road” means an access or a right-of entry not owned by the Municipality or the Province of Nova Scotia, and includes roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads.

Prerequisite for a Charge Collection Agreement

- 3** Municipality may collect charges only where
- (a) more than one-half of the landowners in a Charge Area have filed a petition with the Development Officer, requesting that the charges be collected; or
 - (b) the Council has accepted the request of an applicant, if the petition requirements on Clause (a) cannot be met.

Methods of Charges

- 4** Charges determined pursuant to Clause 5(b), 8(2)(c) or Section 9 of this By-law may be chargeable
- (a) as the uniform amount for each lot in the Charge Area;
 - (b) as the uniform amount for different classes of development, including but not limited to vacant land, seasonal lot, and commercial parcel of land; or
 - (c) by the method approved by the Council.

Petition Requirements

- 5** A petition in Clause 3(a) shall be submitted by an association, and be submitted with
- (a) a copy of the memorandum and the by-laws of the incorporated association approved by the Registrar of Joint Stock Companies;
 - (b) subject to Clause (c), an estimated operating budget for private road maintenance or an estimated capital budget for private road improvement, including the amount budgeted for general reserve, planned for the following fiscal year of submission;
 - (c) a resolution certificate, signed by a director of the association with signing authority, approving the annual operating budget or the annual maintenance budget, passed by more than one half of such landowners entitled to vote as are present in person or by proxy at a meeting of which notice specifying the intention to propose the resolution has been duly given;
 - (d) a plan defining the Charge Area boundary and the property boundaries in the Charge Area;
 - (e) a completed copy of the petition form in Schedule A; and
 - (f) any other information that the Council may require to determine the method of calculation or the amount of charges necessary.

Association By-laws

- 6** The memorandum and by-laws of association shall contain the clauses
- (a) that clearly states the purpose of the Association is to conduct maintenance and improvement to the private road and to represent the landowners within the Charge Area; and
 - (b) that mandates the admittance of only those landowners of Charge Area to membership of the association.

Municipal Property

- 7** For a greater certainty, the Municipality and the Province of Nova Scotia are not considered in the definition of a landowner and shall be excluded from signing a petition conducted under Sections 3 to 6.

Charge Area Establishment Request

- 8 (1) Subject to Clause 3(b), a landowner may submit a request to Council that charges be collected in a Charge Area.
- (2) The request in Subsection (1) shall be submitted with
- (a) an estimated operating budget for private road maintenance, including the amount budgeted for general reserve, planned for the following fiscal year of submission;
 - (b) a plan defining the Charge Area boundary, the property boundaries in the Charge Area and the length and width of the private road;
 - (c) a statement that the charges are collected to perform maintenance only on the private road within the Charge Area;
 - (d) the chosen method of charges;
 - (e) the name of the Charge Area; and
 - (f) any other information that the Council may require to determine the method of calculation or the amount of charges necessary.
- (3) At least 45 days prior to the Council meeting to determine the establishment of a Charge Area by request of an applicant, Municipality shall notify all the landowners within the proposed Charge Area determined in Clause 8(2)(b) by ordinary mail, and such notice includes
- (a) a description of the proposed request;
 - (b) the date, time, and place of the Council meeting on the proposed request; and
 - (c) a method of submitting a written response prior to the Council meeting regarding the proposed request.
- (4) Subject to Subsection (3), upon the receipt of the request from the applicant, Council may designate a Charge Area and levy a charge after considering the following clauses:
- (a) the applicant exercised due diligence in communicating with the other landowners in the Charge Area to initiate a petition process, but was unsuccessful;
 - (b) the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the **Societies Act**;

- (c) the operating budget that is submitted with the request is itemized and reasonable for the length and condition of private roads in the Charge Area;
- (d) the general consensus of the landowners in the Charge Area is not an active opposition to the levy of uniform charge;
- (e) the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area; and
- (f) the non-performance of road maintenance is likely to cause public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.

Charge Collection Agreement

- 9** Upon the acceptance of petition in Section 5 or request in Section 8 by resolution of the Council, the Municipality may enter into an agreement with an association or an applicant, which
- (a) requires that the association or the applicant shall be responsible for performing, or contracting the work in relation to the maintenance or improvement of the private road in a Charge Area;
 - (b) indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in a Charge Area;
 - (c) identifies that the petition submitted as per Section 5 or the request submitted as per Subsection 8(2) forms the basis of the method of the charge; and
 - (d) contains any other clauses that the Council may require.

Annual Budgets

- 10 (1)** After the Municipality enters into an agreement with an association or an applicant in accordance with Section 9, the association or the applicant shall submit an operating budget or a capital budget for each fiscal year to conduct private road maintenance and improvement, respectively.
- (2)** Subject to Subsection (3), budgets shall be approved with an ordinary resolution passed by more than one half of such landowners entitled to vote as are present in person or by proxy at a meeting of which notice specifying the intention to propose the resolution has been duly given.

- (3) An operating budget submitted by an applicant shall be approved by resolution of Council.
- (4) Notwithstanding Subsection (1), a capital budget shall not be submitted by an applicant.

Fiscal Year

- 11 A petition, request and subsequent annual budgets of a Charge Area shall be submitted by the first day of March, or its next business day if it is a holiday, of the preceding fiscal year that the charge would be applied.

Administration Fee

- 12 The total amount of the charge imposed in a Charge Area shall not exceed the total expenditures in annual budgets plus the administration fee stated in Subsection 4.1 of Policy MDL-58.

Charge Exemptions

- 13 (1) Notwithstanding this By-law and subject to Subsection (2), the Municipality may, upon request, exempt a charge from any landowners within a Charge Area whose property
 - (a) abuts and has access to a public road;
 - (b) does not use the private road; or
 - (c) does not have access to the private road.
- (2) Municipality may later assess those exempted landowners if they appear to be using the private road.
- (3) For greater certainty, the Municipality and the Province of Nova Scotia are exempt from a charge levied pursuant to this By-law.

Liens

- 14 A charge made under this By-law is a first lien on the real property and may be collected in the same manner as other taxes.

Effectiveness of Liens

- 15 (1) For road maintenance, a lien in Section 14 becomes effective three days after the notice to landowners in Subsection 17(1) is distributed, and shall remain effective from year to year until terminated pursuant to this By-law.
- (2) For road improvement, a lien in Section 14 becomes effective three days after the notice to landowners in Subsection 17(1) is distributed.

- (3) The lien in Subsections (1) and (2) shall remain to be effective until the charge plus interest has been paid in full.

Charge Adjustment

- 16 Where a lot subject to a lien is subdivided, the amount of the lien plus interest then unpaid shall be apportioned evenly among the new lots created, including any residual land.

Charge Collection Notice

- 17 (1) Subject to Subsection (2), upon signing the collection agreement in Section 9, the Development Officer shall notify the landowner of each property within the Charge Area of
- (a) the charge payable by the landowner; and
 - (b) the basis for the charge.
- (2) Where the charge is collected for maintenance that occurs annually, the notice only needs to be sent to each landowner for the first time of charge, instead of being sent annually.

Billing of Charge

- 18 (1) A charge payable pursuant to this By-law for private road maintenance or improvement shall be billed by the same day as the last mailing day of interim tax bill of the Municipality.
- (2) The charge payable in Subsection (1) shall appear on the tax bill.

Charge Due Date

- 19 The charge payable in Section 18 is due on the same day as the payment due date of interim tax bill of the Municipality on the same fiscal year.

Interest on Unpaid Charge

- 20 Interest is payable annually on the entire amount outstanding from and unpaid after the due date in Section 19 at a rate determined by resolution of Council regarding taxes and overdue charges.

Charge Payout

- 21 Municipality shall transfer the amount requested by an association, which is stated in its annual budgets and excludes the administration fee in Subsection 4.1 of Policy MDL-58 to the association by 15 days after the due date in Section 19, or its next working day if it is a holiday.

Termination of Agreement

- 22 (1)** The charge collection agreement in Section 9 may be terminated by resolution of Council, after receiving a notice from
- (a) an association, upon the submission of a certified copy of a Special Resolution passed to terminate the agreement;
 - (b) an applicant, upon the submission of a letter of consent signed by the applicant to terminate the agreement; or
 - (c) the Municipality at its discretion, if
 - (i) an association or an applicant has non-compliance with any provision of this By-law, or
 - (ii) a Charge Area established by request no longer meets the condition in Subsection 8(4), in which then the landowners in the Charge Area shall follow the petition process in Clause 3(a) for re-establishment of Charge Area.
- (2)** Termination in Subsection (1) becomes effective upon the collection of all charges payable pursuant to this By-law.

Private Streets By-law Repealed

- 23** A By-law Respecting the Maintenance and Improvement of Private Street, adopted by the Council on April 12, 2005, and amended on February 14, 2006, October 9, 2007, and February 17, 2009, is hereby repealed and replaced with a By-Law Respecting the Maintenance and Improvement of Private Roads.

SCHEDULE A

PRIVATE ROAD MAINTENANCE AND IMPROVEMENT PETITION

To the Council of the Municipality of the District of Lunenburg,

We, the undersigned, represented by the _____ Association, and representing more than one-half of the landowners in the Charge Area, as identified on the attached map, do file a petition with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

- (a) Maintenance _____
- (b) Improvements _____

(choose one or all of the options by placing an "X" beside the chosen option)

Each of the landowners, whose signature appears below, propose that the Council accept this as a petition in compliance with Sections 3 to 6 of the **Private Roads By-law**. The landowners request that they be levied a charge in respect of the private road maintenance or improvement, as indicated above, and further that, this charge be levied by

- (a) the uniform charge on all lot _____
- (b) the occupancy rate (i.e. full-time, seasonal, vacant) _____
- (c) the land use (i.e. residential, commercial, resource) _____
- (d) the ownership (i.e. exemption for owning more than 1 lot) _____
- (e) the method other than (a), (b), (c) or (d), being: _____

(choose all options that apply by placing an "X" beside the chosen options)

Names and Signatures of Landowners

Name	Civic Number and Street Name	Signature

PRIVATE ROADS BY-LAW

I, Sherry Conrad, Municipal Clerk of the Municipality of the District of Lunenburg, do hereby certify that the foregoing is a true copy of the **PRIVATE ROADS BY-LAW**, which is adopted by the Council of the Municipality of the District of Lunenburg at a duly called meeting on June 9, 2020

DATED at Bridgewater, NS, the 10th day of June 2020.

Sherry Conrad, Municipal Clerk

Annotation for Official By-law Book	Date of Adoption
Date of First Reading Date of Advertisement – Notice of Intention	February 25, 2020 May 20, 2020
Date of Second Reading Date of Advertisement of Adoption of By-law*	June 9, 2020 June 17, 2020
Date of mailing to Minister a Certified copy of By-law	June 17, 2020
I certify that this “ Private Roads By-law ” was adopted by Council and published as indicated above.	
_____ Sherry Conrad, Municipal Clerk	_____ Date
*Effective Date of the By-law unless otherwise specified in the text of this By-law.	

**Municipality of the District of Lunenburg
BY-LAW**

Title: Private Roads By-law	
By-Law No. 040 (Consolidated to include By-law 040A)	Legislative Authority: Municipal Government Act , Section 75 Municipal Government Act , clause 81(1)(da)
Effective Date: June 17, 2020	Amended Date: February 25, 2021

Title

1 This By-law is entitled the Private Roads By-law.

Interpretation

- 2 In this By-law,
- (a) “Act” means the **Municipal Government Act**;
 - (b) “applicant” means a landowner on a private road in the Municipality who cannot meet the definitions of an association in clause (c);
 - (c) “association” means a non-profit society
 - (i) incorporated under the **Societies Act**, or
 - (ii) unincorporated but in the process of being incorporated with the Registry of Joint Stock Companies under the **Societies Act**;
 - (d) “Council” means the Council of the Municipality of the District of Lunenburg;
 - (e) “charge” means a charge imposed under subsection 75(2) or clause 81(1)(da) of the **Municipal Government Act** in an amount determined in this By-law and payable in respect of the private road maintenance or improvement;
 - (f) “Charge Area” means an area to which a charge is imposed for maintenance or improvement of all the private roads in the area, and physically defined in an application submitted under this By-law;
 - (fa) “fiscal year” means the period from April 1st in one year to March 31st in the following year, including both dates;

- (g) “improvement” means the work undertaken on a private road to improve upon the existing condition or to increase the service level of the private road;
- (h) “landowner” means a registered owner as defined in the **Land Registration Act**, and for the purpose of calculating the percentage of landowners under clauses 4(1)(b), 4(1)(e) and 6(c), a parcel of real property with more than one landowner is counted as having one owner;
- (i) “maintenance” means the work undertaken on a private road to sustain the existing condition or service level of the private road, such as snowplowing, brush-cutting, pothole-filing, repaving;
- (j) “Municipality” means the Municipality of the District of Lunenburg; and
- (k) “private road” means an access or a right-of entry not owned by the Municipality or the Province of Nova Scotia, and includes roads, curbs, sidewalks, gutters, bridges, culverts and retaining walls that are associated with private roads.

Approval by resolution

- 3** **(1)** Subject to subsection (2), Council may, by resolution, approve an application from an applicant or an association to enter into an agreement between the Municipality, and the applicant or the association, regarding a charge.
- (2)** If a development officer receives an application, Council must give at least 7 days notice to all Council members before approving the application.

Application requirements

- 4** **(1)** If an association applies, the application in Section 3 must be submitted with
- (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to Section 6, a copy of the memorandum and the by-laws of the incorporated association approved by or proposed to the Registrar of Joint Stock Companies;
 - (c) subject to clause (d), an estimated operating budget for private road maintenance or an estimated capital budget for private road improvement, including the amount budgeted for general reserve, planned for the next fiscal year of submission;
 - (d) a record of meeting minutes, passed by the association and signed by a director of the association with signing authority, approving the annual operating budget or the annual maintenance budget;
 - (e) subject to Section 5, a method of collecting charges; and

- (f) any other information that Council may require to determine the method of calculation or the amount of charges necessary.
- (2)** If an applicant applies, the application in Section 3 must be submitted with
- (a) a plan defining the Charge Area boundary, the property boundaries in the Charge Area, and the length and width of the private road;
 - (b) subject to subsection 8(2), an estimated operating budget for private road maintenance, including the amount budgeted for general reserve, planned for the next fiscal year of the fiscal year of submission;
 - (c) subject to Section 5, a method of collecting charges;
 - (d) supporting documents to determine the circumstances under subsection 8(6); and
 - (e) any other information that Council may require to determine the method of calculation or the amount of charges necessary.

Methods of collecting charges

5 The Municipality must impose a charge

- (a) as the uniform amount for each lot in the Charge Area;
- (b) as the uniform amount for different classes of development, including but not limited to vacant land, seasonal lot, and commercial parcel of land; or
- (c) by the method approved by the Council.

Association by-laws

6 The memorandum and by-laws of association, as required under clause 4(1)(b), must

- (a) state the purpose of the association is to conduct the maintenance, the improvement, or both the maintenance and improvement on the private road and to represent the landowners within the Charge Area;
- (b) mandate the admittance of only those landowners of Charge Area to membership of the association; and
- (c) have more than one-half of the landowners of Charge Area as the members of the association as defined in subsection 15(1) of the **Societies Act**.

Public properties

7 For greater certainty, the Municipality and the Province of Nova Scotia are not considered as a landowner in this By-law and are excluded from signing a petition conducted under clause 4(1)(e) and the list of members under clause 6(c).

Application by applicant

- 8 (1) This Section applies only to an application submitted by an applicant.
- (2) The operating budget submitted with the application in subsection (1) must be itemized and reasonable for the length and condition of private roads in the Charge Area.
- (3) After a notice is given under subsection 3(2), and at least 45 days before the Council meeting to consider an application in subsection (1), the Municipality must notify all the landowners within the proposed Charge Area determined under clause 4(2)(a) by ordinary mail, in which the notice includes
- (a) a description of the proposed request;
 - (b) the date, time, and place of the Council meeting on the proposed request; and
 - (c) a method of submitting a written response before the Council meeting regarding the proposed request.
- (4) The notice under subsection (3) is deemed to have been given, for a mailing address in the parcel register
- (a) within Nova Scotia, on the third day after the date of mailing; or
 - (b) outside of Nova Scotia, on the ninth day after the date of mailing.
- (5) The general consensus of the landowners in the Charge Area must not be an active opposition to the charge proposed in the application under subsection (1), in which the lack of written responses is not deemed as the active opposition.
- (6) Subject to subsections (2) to (5), Council may consider designating a Charge Area and levy a charge in one or more of the following circumstances:
- (a) the applicant exercised due diligence in communicating with the other landowners in the Charge Area;
 - (b) the number of landowners in the Charge Area did not meet the minimum incorporation requirement of the **Societies Act**, despite representing more than one-half of all the landowners in a Charge Area;
 - (c) the financial burden of road maintenance is distributed unevenly amongst the landowners within the Charge Area, such as when some landowners are not contributing to the maintenance of their private road;

- (d) the non-performance of road maintenance is causing public safety issues, such as limiting the accessibility to public roads, infrastructure, utilities, services, or other critical amenities.

Charge collection agreement

- 9** If Council approves an application in Section 3, the Municipality may enter into an agreement with an association or an applicant, in which the agreement
- (a) requires that the association or the applicant must be responsible for performing, or contracting the work in relation to the maintenance or improvement of the private road in a Charge Area;
 - (b) indemnifies the Municipality from all liability or responsibility with the work in relation to the maintenance or improvement of the private road in a Charge Area;
 - (c) identifies the method of collecting a charge that the person indicated in the application;
 - (d) specifies a time period that the agreement is effective, with or without conditions for the renewal of agreement;
 - (e) indicates that this agreement may be transferable under the conditions set out in the agreement; and
 - (f) contains any other clauses that the Council may require.

Annual budgets

- 10** (1) Subject to subsection (2), if the Municipality enters into an agreement with an association in Section 9, the association must submit an operating budget or a capital budget for each fiscal year to conduct private road maintenance and improvement, respectively.
- (2) The budgets in subsection (1) must be approved by an ordinary resolution of the association.
- (3) If the Municipality enters into an agreement with an applicant in Section 9, the applicant must submit an operating budget for each fiscal year to conduct private road maintenance, in which the operating budget must be approved by a resolution of the Council.

Fiscal year

- 11** An application and subsequent annual budgets of a Charge Area must be submitted by the first day of March, or its next business day if it is a holiday, of the preceding fiscal year that the charge would be applied.

Administration fee

- 12** The total amount of the charge imposed in a Charge Area must not exceed the total expenditures in annual budgets plus the administration fee under subsection 4.1 of Policy 058.

Charge exemptions

- 13** (1) Notwithstanding this By-law and subject to subsection (2), the Municipality may, upon request in writing, exempt a charge from any landowners within a Charge Area whose property
- (a) abuts and has access to a public road;
 - (b) does not use the private road; or
 - (c) does not have access to the private road.
- (2) The Municipality may later assess those exempted landowners in subsection (1) if they appear to be using the private road.
- (3) For greater certainty, the Municipality and the Province of Nova Scotia are exempt from a charge levied under this By-law.

Liens

- 14** A charge made under this By-law is a first lien on the real property and may be collected in the same manner as other taxes.

Effectiveness of liens

- 15** (1) For road maintenance, a lien in Section 14 becomes effective three days after the notice to landowners in subsection 17(1) is distributed, and remains effective from year to year until terminated under this By-law.
- (2) For road improvement, a lien in Section 14 becomes effective three days after the notice to landowners in subsection 17(1) is distributed.
- (3) The lien in subsections (1) and (2) remains to be effective until the charge plus interest has been paid in full.

Charge adjustment

- 16** Where a lot subject to a lien is subdivided, the amount of the lien plus interest then unpaid shall be apportioned evenly among the new lots created, including any residual land.

Charge collection notice

- 17** (1) Subject to subsection (2), upon signing the collection agreement in Section 9, a development officer must notify the landowner of each property within the Charge Area of

- (a) the charge payable by the landowner; and
 - (b) the basis for the charge.
- (2) Where the charge is collected for maintenance that occurs annually, the notice only needs to be sent to each landowner for the first time of charge, instead of being sent annually.

Billing of charge

- 18 (1) A charge payable under this By-law for private road maintenance or improvement must be billed by the same day as the last mailing day of interim tax bill of the Municipality.
- (2) The charge payable in subsection (1) must appear on the tax bill.

Charge due date

- 19 The charge payable in Section 18 is due on the same day as the payment due date of interim tax bill of the Municipality on the same fiscal year.

Interest on unpaid Charge

- 20 Interest is payable annually on the entire amount outstanding from and unpaid after the due date in Section 19 at a rate set under Section 8 of Policy 009.

Charge payout

- 21 (1) The Municipality must transfer the amount requested by an association, which is stated in its annual budget in subsection 10(1) and excludes the administration fee in subsection 4.1 of Policy 058 to the association by 15 days after the due date in Section 19, or its next working day if it is a holiday.
- (2) Subject to subsection 10(3), the Municipality must transfer the amount requested by an applicant, which is stated in its annual budget in subsection 10(3) and excludes the administration fee in subsection 4.1 of Policy 058 to the applicant by 15 days after the due date in Section 19, or its next working day if it is a holiday.

Termination of agreement

- 22 (1) Council may, by resolution, terminate an agreement made under Section 9, if
- (a) an association submits a certified copy of a special resolution passed to terminate the agreement;
 - (b) an applicant submits a letter of consent to terminate the agreement;
 - (c) an applicant or association breaches any of the clauses in the agreement;
 - (d) an applicant does not meet the condition for the renewal of agreement after the agreement expires; or

- (e) an applicant meets the condition of transferring the agreement.
- (2) The termination of an agreement in subsection (1) is not effective until all charges payable under this By-law are collected.

Private Streets By-law repealed

23 A By-law Respecting the Maintenance and Improvement of Private Street, adopted by the Council on April 12, 2005, and amended on February 14, 2006, October 9, 2007, and February 17, 2009, is hereby repealed and replaced with a By-Law Respecting the Maintenance and Improvement of Private Roads.

Annotation for Official By-law Book	
Date of Adoption	June 17, 2020
Amended	February 25, 2021
Date of First Reading	February 25, 2020
Date of Advertisement of Notice of Intent to Consider	May 20, 2020
Date of Second Reading	June 9, 2020
*Date of advertisement of Passage of By-law	June 17, 2020
Date of mailing to Minister a Certified copy of By-law	June 17, 2020
*Effective Date of the By-law unless otherwise specified in the text of this By-law	
I certify that this "Private Roads By-law" was adopted by Council and published as indicated above.	
_____	_____
Sherry Conrad, Municipal Clerk	Date

**Private Road Maintenance or Improvement
Application Form for an Association**

respecting subsection 4(1) of By-law 040, the Private Roads By-law, updated February 25, 2021

To the Council of the Municipality of the District of Lunenburg,

We, the undersigned, representing more than one-half of the landowners in the _____ Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform

- (a) Maintenance _____
- (b) Improvements _____

(choose one or all of the options by placing an "X" beside the chosen option)

Each of the landowners, whose signature appears below, propose that the Council approves this as a petition in compliance with Section 4 of the **Private Roads By-law**. The landowners request that they be levied a charge in respect of the private road maintenance or improvement, as indicated above, and further that, this charge be levied by

- (a) the uniform charge on all lot _____
- (b) the occupancy rate (i.e. full-time, seasonal, vacant) _____
- (c) the land use (i.e. residential, commercial, resource) _____
- (d) the ownership (i.e. exemption for owning more than 1 lot) _____
- (e) the method other than (a), (b), (c) or (d), being: _____

(choose all options that apply by placing an "X" beside the chosen options)

Names and Signatures of Landowners

Name	Civic Number and Street Name	Signature

**Private Road Maintenance
Application Form for an Individual Landowner**

respecting subsection 4(2) of By-law 040, the Private Roads By-law, updated February 25, 2021

To the Council of the Municipality of the District of Lunenburg,

I, the undersigned, representing _____ Charge Area, as identified on the attached map, apply with the Development Officer to the Council requesting that the charges be collected on the private roads located within the same Charge Area to perform maintenance.

I propose that the Council approves this as an application in compliance with Section 4 of the **Private Roads By-law**. I request that the landowners in the Charge Area be levied a charge in respect of the private road maintenance, and further that, this charge be levied by

- (a) the uniform charge on all lot _____
- (b) the occupancy rate (i.e. full-time, seasonal, vacant) _____
- (c) the land use (i.e. residential, commercial, resource) _____
- (d) the ownership (i.e. exemption for owning more than 1 lot) _____
- (e) the method other than (a), (b), (c) or (d), being: _____

(choose all options that apply by placing an "X" beside the chosen options)

I understand that, by entering into an agreement with the Municipality regarding the maintenance of private roads in the proposed Charge Area, I am personally liable for any debt or liability. [\[Note: this is subject to the legal review of the municipal solicitor.\]](#)

Names and Signature of Applicant

Name	Civic Number and Street Name	Signature



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy & Strategy Committee
SUBMITTED BY: Elana Wentzell, CPA, CMA
DATE: January 19, 2021
RE: Re-adoption of Audit Committee Terms of Reference

RECOMMENDATION

“that the Policy and Strategy Committee recommends to Municipal Council that Municipal Council re-adopt the Audit Committee Terms of Reference as presented.”

EXECUTIVE SUMMARY

The Financial Reporting and Account Manual (FRAM) is a regulation prescribed pursuant to Sections 451 and 520 of the Municipal Government Act (MGA) as the system for accounting to be used by municipalities and villages in the Province of Nova Scotia. As well, the FRAM prescribes the minimum requirements for expense and hospitality policies that each municipality and village must have as well as requirements for the audit committee policy or terms of reference. These policies must be re-adopted or amended by Municipal Council by January 31 immediately following a regular election as per the MGA section 23 (7).

DISCUSSION

Please find enclosed the Municipality’s Audit Committee Terms of Reference.

Required Policy Content – Municipalities and villages’ audit committee policy must:

- (a) define the purpose and role of the audit committee and the audit committee’s purpose, responsibilities and functions must comply with Section 5(3)(b) and 5(3)(e);
- (b) outline the composition of the audit committee and the audit committee composition must comply with Section 5(3)(c);
- (c) identify membership terms for independent members;

(d) establish meeting requirements and quorum, and the meeting requirements must comply with Section 5(3)(d);

(e) require terms of reference or engagement terms for every audit or special purpose engagement;

(f) outline the required training for audit committee members;(g)the required audit committee training must comply with Section 5(3)(c)(v); and

(h) outline reporting requirements.

The attached Audit Committee Policy meets the minimum requirements.

BUDGET IMPLICATIONS

N/A

STRATEGIC PLAN

N/A

WORK PLAN

N/A

ALTERNATIVES

Council can re-adopt the terms of reference or make amendments to same.

CONCLUSION

Staff recommend that Council re-adopt the Audit Committee Terms of Reference as presented.

Department: Administration and Finance

Report Prepared By: Elana Wentzell

Date: 2021-01-04

Report Approved By:

Date:

Reviewed By CAO:

Date:

Municipality of the District of Lunenburg
AUDIT STANDING COMMITTEE
TERMS of REFERENCE

1.0 Mandate

The Audit Committee's mandate is to oversee all audit matters and receive the annual external audit report, thereby assisting Council in meeting its responsibilities by ensuring the adequacy and effectiveness of financial reporting, risk management and internal controls as per Section 44 of the *Municipal Government Act*.

2.0 Audit

The Committee shall:

- 2.1 Recommend the appointment of an external auditor to conduct an annual financial audit of MODL financial statements.
- 2.2 Discuss with the external auditor any correspondence between management and the audit firm on alternative interpretations or presentations of municipal financial information.
- 2.3 Review matters arising out of the audit as may appear to require further investigation.
- 2.4 Other matters as referred to the Committee by Council and to fulfill legislative functions as specified in Section 4.

3.0 Committee Membership, Terms & Procedures

- 3.1 Membership of the Committee shall consist of the whole of Council and up to two members from the public who are not a member of Council or an employee of the Municipality. The Municipality shall advertise to recruit the member(s) from the public at least once every six months until the position is filled. Recruitment to fill a position will be undertaken at the expiration of each term. The member(s) should possess a financial background, accounting designation and experience in financial reporting and auditing.
- 3.2 All applications for the member-at-large position(s) meeting the minimum requirements will be reviewed by the Nominating Committee. The Nominating Committee will recommend appointment(s) to Council and Council will have final approval.
- 3.3 At-large members shall be appointed for three-year terms or until such time as their successor(s) is appointed. If two member-at-large appointments are approved, the initial appointment of at-large members shall be for a one two-year term and one three-year term. Any member may re-offer for a second three-year term when their term expires, however, the member will have to apply through the recruitment process undertaken for that position.
- 3.4 The Committee shall annually select a Chair and Vice Chair by secret ballot at their November meeting. The sitting Chair and Vice-Chair may re-offer for the same position.
- 3.5 The Committee shall meet a minimum of two times in each fiscal year at the call of the Chair. Once to meet with the Auditor and once to review the results of the audit.
- 3.6 The Committee shall follow the meeting procedures outlined in MDL-01 Council Procedures; except where specifically noted otherwise in these terms of reference.

4.0 Responsibilities and Functions

4.1 Financial Reporting Function – Responsibilities Related to the Financial Reporting

The Committee shall:

- 4.1.1 review the audited annual financial statements in depth with management and the external auditor; if satisfied that they present fairly the financial position and results of operations, recommend their acceptance to Council;
- 4.1.2 review with management any changes in accounting principles and practices followed by municipalities;
- 4.1.3 review any significant variance in comparison to prior year and/or budget;
- 4.1.4 review and discuss the financial condition indicators.

4.2 External Audit Function – Responsibilities Related to the Work of the Auditor

The Committee shall:

- 4.2.1 discuss the extent, timing and completion of the audit including the level of materiality to be used;
- 4.2.3 review estimated and final audit fee;
- 4.2.4 discuss whether the terms of the letter of engagement were met;
- 4.2.5 recommend to Council the change of the municipal auditor if management questions the competence of the incumbent auditor and the Committee confirms the view; the recommendation to appoint a new auditor would follow an adequate inquiry into the auditor's competence and reputation;
- 4.2.6 review the problems and restrictions encountered by the auditor and degree of cooperation received; and
- 4.2.7 promote cooperation between the management and the auditor.

4.3 Accounting System and Internal Controls Function – Responsibilities Related to Internal Controls.

The Committee shall:

- 4.3.1 obtain and review the management and internal control letter addressed to Council;
- 4.3.2 discuss with the auditor, the annual evaluation of the internal control systems related to the financial reporting and the recommendations for improvements of accounting procedures and internal controls related to the financial reporting, together with **management's response**;
- 4.3.3 **discuss management's response to the recommendations and adequacy of management's action plan**;
- 4.3.4 obtain reasonable assurance that the municipality has implemented appropriate systems of internal controls: over the financial reporting and that these systems are operating effectively;
- 4.3.5 obtain assurance the Municipality is in compliance with its policies and procedures and that these systems are operating effectively; and
- 4.3.6 identify, monitor, mitigate and report significant financial or operational risk exposures and that these systems are operating effectively; and
- 4.3.7 receive and review any internal reports relating to accounting procedures and internal controls.

4.4 Risk Management Function – Responsibilities Related to Risk Management

The Committee shall:

- 4.4.1 understand the risks of the Municipality;
- 4.4.2 review the Municipality's risk management controls and policies;
- 4.4.3 obtain reasonable **assurance that management's systems to eliminate or** manage the risks are effective; and
- 4.4.4 receive reports on the management of financial risks.

4.5 Alleged Wrong-Doing Function – Responsibilities Related to Questionable Activities

The Committee shall:

- 4.5.1 enquire fully into any activities or transactions that may be illegal, questionable or unethical, and into the Municipality's control procedures to ensure that such activities are being guarded against;
- 4.5.2 ensure management has implemented a policy and/or process to review and respond to complaints or allegations of wrong-doing or questionable acts by elected officials, or municipal employees; and
- 4.5.3 review and advise Council members with respect to complaints or allegations of wrong-doing.

4.6 Statutory and Regulatory Compliance Function and Other Responsibilities

The Committee shall:

- 4.6.1 **review the municipality's compliance with statutory and regulatory obligations within the Committee's area of responsibility** (for example reporting compliance);
- 4.6.2 review the overall reasonableness of expenses of the Clerk/CAO and of Council members. Specifically; review the summary of remuneration and expenses schedule for reportable individuals for reasonableness;
- 4.6.3 review the annual summary hospitality expense note; and
- 4.6.4 review adequacy of staffing in relation to both number and competence for accounting and financial responsibilities.

5.0 Staff Support

5.1 The Director of Finance will act as the primary Municipal Contact for the Committee.

6.0 Training

6.1 All committee members shall participate in a regular training program which will include, at minimum:

- 6.1.1 an introduction and overview of the functions, authority, and role of the audit committee at the beginning of every council term;
- 6.1.2 training on interpreting financial documents and identifying fraud at least once per council term;
- 6.1.3 ongoing training on topic-specific issues that arise or may arise in the activities of the committee; and,
- 6.1.4 any training prescribed by the department of Municipal Affairs

6.2 Notwithstanding the training program, it is acknowledged that committee members will continue to require expert advice from outside advisors where appropriate.

Approved by Municipal Council.....March 27, 2018

Amended by Municipal Council.....April 9, 2019



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy & Strategy Committee
SUBMITTED BY: Sherry Conrad, Municipal Clerk
DATE: January 19, 2021
RE: Review of MODL Policy 003 "Council Members' Remuneration & Expenses Policy"

RECOMMENDATION

"that the Policy & Strategy Committee recommends to Council that Municipal Council re-adopt MODL Policy 003 "Council Members' Remuneration & Expenses Policy" and hereby gives seven days' notice of Council's intention to re-adopt the policy at its Council meeting on January 26, 2021".

EXECUTIVE SUMMARY

Subsection 23(3) of the *Municipal Government Act* (MGA) requires that each municipality shall adopt an expense policy and a hospitality policy. Subsection 23(7) requires that by January 31st immediately following a regular election, the council shall review the expense and hospitality policies and, by motion, either re-adopt the policies or amend the policies and adopt them as amended.

DISCUSSION

As per Section 23(3) of the *MGA*, Council amended its MODL Policy 003 Council Members' Remuneration and Expenses on October 23, 2018 to include the requirements of subsection 23(4) of the *MGA* which requires each council to have an expense policy that (a) prohibits the municipality from reimbursing expense claims for alcohol purchases by an individual; (b) identifies the persons who have signing authority to authorize the reimbursement of an expense; (c) where applicable, sets out rules respecting the use of corporate credit cards; (d) applies to every reportable individual in the municipality; and (e) complies with the regulations.

The current policy meets the requirements of the *Municipal Government Act*. The Policy is before Council for review. If Council is satisfied with the current Policy, a motion to re-adopt

the Policy is required. If Council wants to make changes to the Policy, direction can be given to staff to make changes.

BUDGET IMPLICATIONS

None

STRATEGIC PLAN

N/A

WORK PLAN

No additional work.

ALTERNATIVES

Amend the Remuneration and Expenses to reflect Council's discussion.

CONCLUSION

The *Municipal Government Act* requires the Municipality to re-adopt the expense policy after each Municipal Election. No changes are being recommended to the Policy.

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
POLICY

Title: Council Members' Remuneration and Expenses	
Policy No. MODL-003	
Effective Date: May 10, 2011	Amended Date: October 23, 2018

1.0 REMUNERATION

1.1 Mayor – MGA Section 23(1)(d)(i)

The annual remuneration to be paid to the Mayor shall be as approved by motion of Council. [amended Oct. 23/18]

1.2 Deputy Mayor – MGA Section 23(1)(d)(ii)

The annual remuneration to be paid to the Deputy Mayor shall be as approved by motion of Council. [amended Oct. 23/18]

1.3 Councillors – MGA Section 23(1)(d)(iii)

The annual remuneration to be paid to Councillors shall be as approved by motion of Council. [amended Oct. 23/18]

2.0 TRAVEL EXPENSES WHILE ON MUNICIPAL BUSINESS

2.1 Annual Budget

Council shall establish an annual Travel Budget for each Council Member, including the Mayor and Deputy Mayor. This amount shall be established based upon experience and available budget. Each member of Council, including the Mayor and Deputy Mayor, shall be accountable for the usage of this funding and make travel decisions based upon their individual budget available. [amended Oct. 23/18]

2.2 Eligible Travel Expenses

Councillors, the Mayor and Deputy Mayor who utilize their personal vehicles on travel assignments, which shall include:

- Attendance at a meeting of the Council or a Committee or Board of Council or a Committee or Board in which an appointment of a Councillor, Mayor or Deputy Mayor has been made by Council;

- Council business outside of their District but within Lunenburg County;
- Council business outside of Lunenburg County but within Nova Scotia as approved by the Mayor; or,
- Council business outside of Nova Scotia, as approved by the Council.

2.3 Non-Local Travel

If travel to an event involves choice between vehicle travel and air or some other form of travel, the Councillor will be reimbursed for the lowest cost option, regardless of the option they have used.

All forms of transportation will be economy class.

If an elected official, for their own convenience, travels by an indirect route or interrupts travel by the most economical route, the elected official shall bear any extra expense involved. Reimbursement for such travel shall be for only that part of the expense as would have been necessary in order to travel. [amended Oct. 23/18]

2.4 Mileage Rate

The rate per kilometer as a travelling allowance for all elected officials shall be approved at the rate stipulated from time to time by the Province of Nova Scotia as the maximum kilometrage rate for its employees. [amended Oct. 23/18]

3.0 EXPENSES – MGA, Section 23(3)

3.1 Annual Expense Budget

Council shall establish an annual Expense Budget for each Council Member, including the Mayor and Deputy Mayor. This amount shall be established based upon past experience and available budget. Each member of Council shall be accountable for the usage of this funding and make expense decisions based upon their individual budget available. [amended Oct. 23/18]

3.2 Eligible Expenses

Council members, including the Mayor and Deputy Mayor, are entitled to reimbursement of expenses incurred which are incidental to the discharge of their duties, which shall include:

- Attending Council or a Committee or Board of Council meeting or other Council business within Lunenburg County.
- Council business outside Lunenburg County but within Nova Scotia as approved by the Mayor.
- Council business outside of the Province of Nova Scotia as approved by Council.

Expenses eligible for reimbursement include:

- Meals
- Accommodations for business outside of the Municipality.
- Registration fees for conferences, seminars or courses, which are incidental to or facilitate the discharge of a Council member's duties or Council business.

Seminars, courses and conferences shall meet the following criteria in order for reimbursement of expenses associated with the same:

- Request must be made in writing. The Councillor, Mayor or Deputy Mayor must provide a written brief outlining the benefits of the course, conference or seminar;
- The course, conference or seminar must be related to Municipal Government.
- The course must be completed prior to the next Municipal Election date.
- Budget funds must be sufficient to cover the costs of training.

Nova Scotia Federation of Municipalities (NSFM) and Federation of Canadian Municipalities (FCM) conferences or seminars are eligible for reimbursement. **[amended Oct. 23/18]**

Councillors who are required to attend more than one meeting a day at a meeting site and choose not to travel from the meeting site to their place of residence in between meetings are eligible for a meal reimbursement. For clarification, lunch time meals (noon) for Council, Finance and Policy and Strategy Committee meetings are not eligible for reimbursement. **[amended Oct. 23/18]**

The Mayor, Deputy Mayor or Councillor whose eligible expenses are expensed on one individual corporate credit card must not be claimed by the Council member separately but will be expensed to their individual account. **[amended Oct. 23/18]**

3.3 Ineligible Expenses

- Personal expenses including, but not limited to, movies, other entertainment, personal calls, personal products, travel cost not related to the event, alcoholic beverages and recreational drugs.
- Expenses for a spouse/partner **[amended Oct. 23/18]**

3.4 Expense Claim Procedure

Expenses shall be reimbursed in accordance with the Personnel Policy, Policy MDL-51, including claim forms and limits. For further clarification, expenses incurred and submitted for payment by the Mayor, Deputy Mayor or a Councillor shall be authorized for payment by the Chief Administrative Officer. Expenses

incurred and submitted by the Chief Administrative Officer shall be authorized for payment by the Mayor or Deputy Mayor in the Mayor's absence. [amended Oct. 23/18]

4.0 OTHER EXPENSES

The Mayor and Deputy Mayor shall be provided with a Municipally-owned mobile device during their term as Mayor and/or Deputy Mayor. The Municipality will absorb the capital and operating expense of the mobile device. If the Mayor or Deputy Mayor chooses to have a personal mobile device and use it for municipal purposes, the Municipality will reimburse them an amount equivalent to the rate the Municipality would incur if the mobile device were municipally owned. [amended Oct. 23/18]

5.0 REPORTING OF EXPENSES

An expense report, which includes remuneration for the Mayor, Deputy and Councillors, and expenses incurred by the Mayor, Deputy Mayor, a Councillor and the Chief Administrative Officer must be prepared within 90 days of the end of each fiscal quarter and shall be posted on the Municipal website quarterly.

An annual summary report of expenses must be filed with the Minister of Municipal Affairs by September 30th of each year. [amended Oct. 23/18]

6.0 REVIEW OF POLICY

Council shall review this policy by January 31st immediately following a regular election held under the *Municipal Elections Act* and make a motion to re-adopt the policy or amend the policy. [amended Oct. 23/18]

7.0 REPEAL OF POLICY MDL-03 – REMUNERATION, EFFECTIVE NOVEMBER 6, 2008

Policy MDL-03, Remuneration, effective November 6, 2008, is hereby repealed.

Clerk's Annotation for Official Policy Book

Date of Notice to Council Members off Intent Repeal and Consider	<u>April 27, 2011</u>
Date of Adoption	<u>May 10, 2011</u>
Date of Notice to Council Members of intent to consider amendments	<u>October 16, 2018</u>
Date of Passage of Amendments	<u>October 23, 2018</u>

I certify that this MDL-03 "Council Members' *Remuneration and Expenses*" policy was adopted by Council as indicated above.

Municipal Clerk

Date



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Policy & Strategy Committee
SUBMITTED BY: Sherry Conrad, Municipal Clerk
DATE: January 19, 2021
RE: Review of MODL Policy 077 "Gifts & Hospitality Policy"

RECOMMENDATION

"that the Policy & Strategy Committee recommends to Council that Municipal Council re-adopt MODL Policy 077 "Gifts and Hospitality Policy" and hereby gives seven days' notice of Council's intention to re-adopt the policy at its Council meeting on January 26, 2021".

EXECUTIVE SUMMARY

Subsection 23(3) of the *Municipal Government Act* requires that each municipality shall adopt an expense policy and a hospitality policy. Subsection 23(7) requires that by January 31st immediately following a regular election, the council shall review the expense and hospitality policies and, by motion, either re-adopt the policies or amend the policies and adopt them as amended.

DISCUSSION

Subsection 23(5) requires that a hospitality policy must: a) establish the expenditures, including an alcohol purchase, that may be a hospitality expense; b) establish the approval process for authorizing hospitality expenses; c) establish the scope and applicability of the policy; and, d) comply with the regulations". A new Subsection 23(6) specified that "An expense may only be reimbursed if that expense is authorized pursuant to the expense policy or the hospitality policy. The issue of giving and receiving gifts had been brought up at meetings in the past so Council included gifts in the policy.

The Policy outlines the definitions of gifts and hospitality, the purpose of the policy, the application of who the policy applies, policy directives, accountabilities, monitoring, reporting of expenses and a review of the policy.

No hospitality expenses were claimed for the reporting period of April 1, 2020 to date.

BUDGET IMPLICATIONS

None

STRATEGIC PLAN

N/A

WORK PLAN

No additional work.

ALTERNATIVES

Amend the Gifts and Hospitality Policy to reflect Council's discussion.

CONCLUSION

The *Municipal Government Act* requires the Municipality to re-adopt the hospitality policy after each Municipal Election. Staff are not recommending any changes to the Policy.

Department: Administration

Report Prepared By: Sherry Conrad, Municipal Clerk

Date: January 4, 2021

Report Approved By: Alex Dumaresq, Deputy CAO

Date: January 13, 2021

Reviewed By CAO: Tom MacEwan

Date:

MUNICIPALITY OF THE DISTRICT OF LUNENBURG POLICY

Title: Gifts and Hospitality	
Policy No. MDL-77	
Effective Date: June 25, 2019	Amended Date:

Preamble

The Municipality of the District of Lunenburg (MODL) recognizes that gifts and hospitality-related activities are, at times, appropriate and legitimate expenses supporting the effective conduct of municipal business. The offering of gifts and hospitality will be done in such a manner to reflect the prudent stewardship of public funds and should be a reasonable expense based on the circumstances.

1.0 DEFINITIONS

Gifts:

Items to be given on behalf of MODL to both individuals and groups from outside the organization. Gifts should be appropriate and reflect the communities, culture and heritage of MODL and be readily identifiable as being from MODL. This can include items such as craft items, locally produced alcohol beverages and other items as per the Municipal Gifts & Promotional Items Operational Policy. MODL will purchase and manage a stock of items to be used as Municipal gifts and promotional purposes.

Hospitality:

Expenses incurred while hosting individuals from outside of municipal government and for municipal purposes that support the effective conduct of municipal business including receptions, ceremonies, conferences, business meetings, performances or other group events. Allowable expenses may include meals, non-alcoholic beverages or other event-related items.

2.0 PURPOSE

- 2.1 To provide direction and guidance to the Chief Administrative Officer (CAO) or designate with respect to the appropriate expenditure of hospitality expenses that support MODL's objectives.
- 2.2 To ensure gifts and hospitality are offered in an accountable, economical and consistent manner in the facilitation of government business and/or for reasons of diplomacy, protocol, recognition, business development or promotional advocacy.

- 2.3 To provide guidelines for the distribution of items to be used as municipal gifts and for promotional purposes.
- 2.4 To ensure taxpayers' dollars are used prudently and responsibly with a focus on accountability and transparency.

3.0 APPLICATION

This policy applies to Council members and staff who incur hospitality expenses while conducting government business or giving of a gift on behalf of MODL.

4.0 POLICY DIRECTIVES

Offering of Gifts and Hospitality

Gifts are most often given by the Mayor, a Councillor or a senior staff member, however, any staff member can submit a request for an item. The procedure for requesting a gift and the guidelines to be used when selecting an appropriate gift are outlined in the Municipal Gifts and Promotional Items Operational Procedure.

Hospitality may be offered under the following circumstances in accordance with this Policy:

- Hosting dignitaries;
- Engaging in official public matters with representatives from other governments, business, industry/labour leaders or other community leaders;
- Sponsoring conferences;
- Hosting ceremonies / recognition events; or
- Other official functions, as approved by the Council or the CAO or designate.

Acceptance of Gifts, Hospitality and Other Benefits

No Council member or municipal employee shall show favouritism or bias toward any vendor, contractor, or others doing business with MODL and shall not accept any gifts, hospitality or other benefits that may have a real, apparent or potential influence on their objectivity in carrying out their official duties and responsibilities or that may place them under obligation to the donor.

The acceptance of gifts, hospitality and other benefits is permissible if they are infrequent and of minimal value, within the normal standards of courtesy or protocol, arise out of activities or events related to their official duties, and do not compromise or appear to compromise their integrity or the integrity of MODL.

Gifts, tokens of hospitality or other benefits that are accepted shall be declared in a register kept indicating the gift, date and the name of the recipient and donor. This register will be maintained by the Clerk's office.

Authorization

All hospitality events require prior authorization by Council or the CAO or their designate and require that a "Request and Approval to Incur Hospitality Expenses" Form be completed and submitted to the CAO or designate for approval. In authorizing the hospitality event, the request should be reviewed in consideration of the value and benefit of the proposed event in relation to its cost. Any request for prior authorization for hospitality events requires the following detail:

- Rationale / purpose of event
- Estimated numbers of attendees and their respective affiliations; and,
- Estimated itemized costs including gratuities and supplementary expenses.

A copy of the signed prior authorization must accompany the claim for reimbursement.

In instances where a hospitality event has been held without prior approval, claims for reimbursement must provide the details outlined above and also include a document outlining the reasons prior approval was not possible.

Business Meetings

Under this Policy, the Mayor, CAO, Deputy CAO and Director of Business Development, Tourism and Infrastructure will have the authority to expend funds in a municipally-beneficial prudent manner; and, from time to time, other Department Managers approved by the CAO or designate and the Deputy Mayor or a Councillor as approved by Council.

Serving of Alcohol and Cannabis Products

No alcoholic beverages or cannabis products will be provided at municipal hospitality events.

5.0 ACCOUNTABILITIES

Mayor and Councillors are responsible for:

- Overseeing hospitality-related expenses for the CAO or designate, hospitality expenses that are approved by the CAO or designate, and, approving hospitality events that Council sees as warranted under this Policy.
- Ensuring compliance with the requirements established by this Policy with respect to hospitality expenses.
- Consistent application of this Policy.

CAO or designate is responsible for:

- Using discretion to make decisions and choices with some degree of flexibility while maintaining compliance with this Policy. When exercising discretion, the following factors must be considered:
 - Ensuring all appropriate hospitality events and related expenses that are initiated or incurred by a Department Manager are approved; and,
 - Approving appropriate requests and claims for hospitality-related expenses for Department Managers and in instances where the actual cost of the hospitality event exceeds the estimated cost.
- When a situation arises and discretion needs to be exercised, the CAO or designate should consider whether the request is:
 - Able to stand up to scrutiny by auditors and members of the public;
 - Properly explained and documented;
 - Fair and equitable;
 - Reasonable; and,
 - Appropriate

Employees are responsible for:

- Acting in accordance with this Policy.

The Finance Department is responsible for:

- Providing advice and assistance to Council, CAO or designate regarding the application of this Policy;
- Monitoring hospitality expenses for appropriate usage and consistency with Policy directives; and,
- Processing hospitality-related claims.

6.0 CLAIMS FOR REIMBURSEMENT OF HOSPITALITY EXPENSES

Claims for reimbursement of hospitality expenses must be submitted on the form provided and shall be signed by the Claimant.

Hospitality expense claims must include the following:

- A copy of the signed prior authorization form for the hospitality event for which the expense was incurred; and,
- A detailed itemized receipt for the expense.

In instances where prior approval of the hospitality event was not possible, the expense claim must provide the information requested on the Request and Approval to Incur Hospitality Expenses Form and an explanation of why prior approval was not possible.

If no receipt is available for a hospitality expense, a written attestation signed by the claimant must be submitted to explain why the receipt is unavailable, and a description itemizing and confirming the expense must be provided. Debit or credit card transaction records are not acceptable as receipts.

Hospitality expenses incurred by one individual on behalf of another must be attributed to the individual for who those expenses were incurred.

No hospitality expense claim shall be paid unless the claim is approved for payment by the CAO or their designate. Before approving an expense claim, the CAO or their designate must ensure that:

- The claim is consistent with this Policy;
- The expenses claimed were necessarily incurred in the performance of municipal business;
- Appropriate receipts are provided to support the claim, and that the claim documentation is appropriately filed; and,
- The expenses claimed have appropriate justification.

In considering a hospitality expense claim for payment, the CAO or their designate may request additional explanations, documentation or justification from the claimant, and may refuse to approve any claim or expense that did not have prior authorization and that the CAO or their designate decides is unreasonable or not in compliance with this Policy.

The use of petty cash to pay a hospitality expense claim is prohibited.

7.0 MONITORING

The Finance Department shall monitor the effectiveness and consistent application of this Policy including coordinating periodic reviews of hospitality expenses to ensure compliance. The CAO or designate shall provide documentation deemed necessary to conduct any reviews of this Policy.

8.0 REPORTING OF EXPENSES

Gift Expenses

Gift expenses are tracked through the budget process.

Hospitality Expenses

In accordance with Section 65A of the *Municipal Government Act*, Hospitality Expense Reports must be completed within 90 days of the end of each fiscal quarter and shall be posted on the Municipal Website quarterly and an annual summary report of expenses must be filed with the Minister of Municipal Affairs by September 30th of each year.

9.0 REVIEW REQUIREMENTS

The Municipality’s Audit Committee shall review the hospitality annual summary report by October 31st of each year.

Council shall review this Policy by January 31st immediately following a regular election held under the *Municipal Elections Act* and make a motion to re-adopt or amend the policy.

Clerk’s Annotation for Official Policy Book

Date of Notice to Council Members: June 18, 2019

Date of Passage of Policy: June 25, 2019

Date of Notice to Council Members
of Intent to Consider Amendments:

Date of Passage of Amendments:

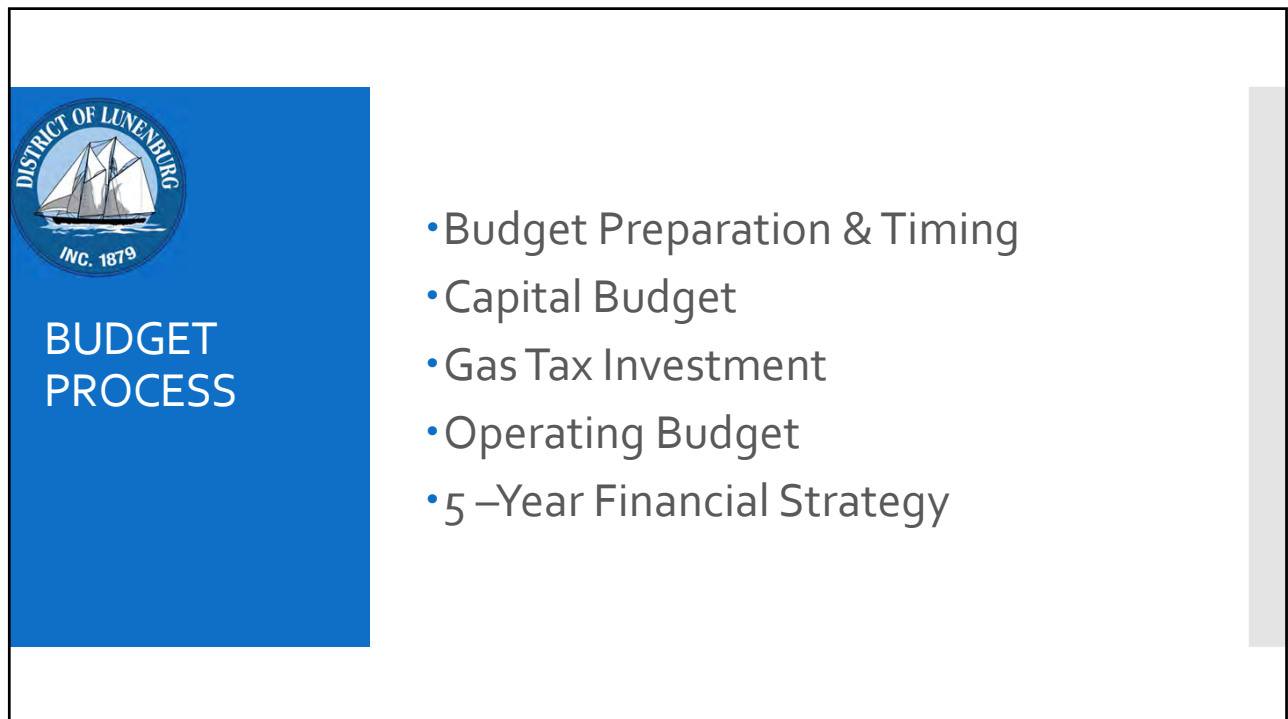
I certify that this “*Policy MDL-77 Gifts and Hospitality*” was adopted by Council as indicated above.

Municipal Clerk

Date



1



2

Budget Preparation & Timing

- December
 - Council Sets Strategic Direction
- January
 - Council - Budget Process Review
 - Department Budget Preparation
- February
 - Finance Committee Area Rate Approvals
 - Street Lights
 - Hydrants
 - Sewers
 - 5 Year Financial Strategy Review

3

Budget Preparation & Timing

- March
 - Finance Committee
 - Draft Capital Budget Review
 - Special Finance Committee
 - Draft Operating Budget Review
- April
 - Finance Committee/Council
 - Capital & Operating Budget Updates
 - 5-Year Financial Strategy Update
- May
 - Finance Committee
 - Final Budget Review & Recommendation
 - Council Approval

4



Capital Budget

Capital Asset Definition

- Owned by MODL
- Useful Life/Economic Benefit > 1 year
- Value of over \$10,000
- Policy MDL-47 Tangible Capital Assets

Capital Asset Financing

- Grants
- Reserves
- Other Revenue
- Debt: MDL-62 Debt Policy

5



Capital Budget

Capital Project Selection Process

- Council's Strategic Direction
- Staff's recommendations on infrastructure investments
- Carry over unfinished projects
- Legislated Projects
 - Environmental (i.e. Riverport School)

6

Gas Tax

Municipalities signed a Federal Gas Tax Agreement

- Current Agreement April 1, 2014 to March 31, 2024
- Federal Fund that provides funding to help with municipal infrastructure and capacity-building projects
- Distributed by Department of Municipal Affairs and Housing based on a funding formula in the agreement

7

Gas Tax

- Broad range of eligible projects
- Projects can be
 - Capital – owned infrastructure
 - Operating – non-owned infrastructure


Reporting

- Annual Expenditure Report (AER)
- Capital Investment Plan (CIP)

Municipal Strategy

- Use for Council Strategic Initiatives first
 - Rural Internet, Roads, Recreational Infrastructure, Climate Change

8



Operating Budget

Compilation of revenues and expenditures to maintain municipal infrastructure and provide municipal services

Council

- Sets the Policies and Service levels for Municipal Operations

Staff

- Present a Draft Operating Budget to meet those goals
- Make suggestions re: Budget additions and deletions

9



Operating Budget

Revenue

- Tax Revenue
 - Assessment based
- Grants in Lieu of taxes
- Area Rates
- Other Grants
- Own Source –rentals, fees, fines

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Operating Budget

Expenditures

- Mandatory Contributions
- Mandatory Expenditures
- Department Operating Budgets
- Financing and Transfers

11



Reserves

Reserves

- A segregated fund for specific purposes required by Council or legislation
- Capital Reserves
 - Can only be used for Capital purposes
- Operating Reserves

12

5 Year Financial Strategy

A Long Term Financial Planning Model

Considers:

- Municipal future revenue and expenditure growth
- The impact on the tax burden of future generations
- Population and economic growth
- Maintaining the current municipal tax rate
- Ensuring current municipal services are not jeopardized

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5 Year Financial Strategy

The Debt Affordability Model allows decision makers:

- Flexibility to plan for the future
- Ability to develop future capital improvement plans in a balanced and measured way
- To prioritize capital projects that are competing for scarce resources
- To develop a long-term financial plan

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5 Year Financial Strategy

2020-21 Budget Year

Operating Budget

Municipality of the District of Lunenburg 5- Year Operating Budget

Description	BUDGET	FORECAST	Approved	Projected			
	Current Year 2019-20	Current Year 2019-20	BUDGET 2020-21	2021-22	2022-23	2023-24	2024-25
Revenue Sources							
Residential property tax	\$19,980,000	\$19,999,100	\$20,460,000	\$20,482,497	\$20,892,147	\$21,309,990	\$21,736,190
Commercial property tax	2,509,000	2,527,500	\$2,518,000	2,526,563	2,551,829	2,577,347	2,603,120
Other taxes ⁽²⁾	3,443,300	3,708,900	\$3,020,200	3,021,710	3,023,221	3,024,733	3,026,245
Fire Protection	3,329,600	3,329,600	\$3,491,400	3,561,228	3,632,453	3,705,102	3,779,204
Transfers from other govts	167,300	236,200	\$191,600	191,696	191,792	191,888	191,983
Other revenue sources	1,850,200	2,020,600	\$1,494,800	1,524,696	1,555,190	1,586,294	1,618,020
	\$31,279,400	\$31,821,900	\$31,176,000	\$31,308,390	\$31,846,631	\$32,395,352	\$32,954,762
Expenditures							
Discretionary Expenditures ⁽¹⁾	\$14,021,000	\$12,662,600	\$15,507,800	\$13,914,304	\$14,112,223	\$13,720,939	\$14,329,384
Mandatory Expenditures							
Mandatory Contributions	9,472,700	9,470,400	9,732,600	9,880,342	10,035,521	10,236,231	10,440,956
Other Mandatory Expenditures ⁽²⁾	5,969,200	6,003,700	8,565,900	7,573,592	9,485,526	9,475,997	7,910,942
Deficit from prior year	0	0	0	0	0	0	0
Debt servicing ⁽³⁾	1,172,600	1,172,600	2,322,100	666,916	0	0	0
Reserves	554,100	842,400	(4,952,400)	(872,000)	(1,895,000)	(1,085,000)	769,000
	17,168,600	17,489,100	15,668,200	17,248,850	17,626,047	18,627,228	19,120,898
	\$31,189,600	\$30,151,700	\$31,176,000	\$31,163,154	\$31,738,270	\$32,348,167	\$33,450,283
Surplus/(Deficit)	\$89,800	\$1,670,200	\$0	\$145,236	\$108,361	\$47,186	(\$495,521)
Reserves Used for Debt Payout	\$0	\$0	\$1,225,000	\$0	\$0	\$0	\$0
Reserves Used to Balance Budget	\$0	\$0	\$461,000	\$0	\$0	\$0	\$0

Notes:

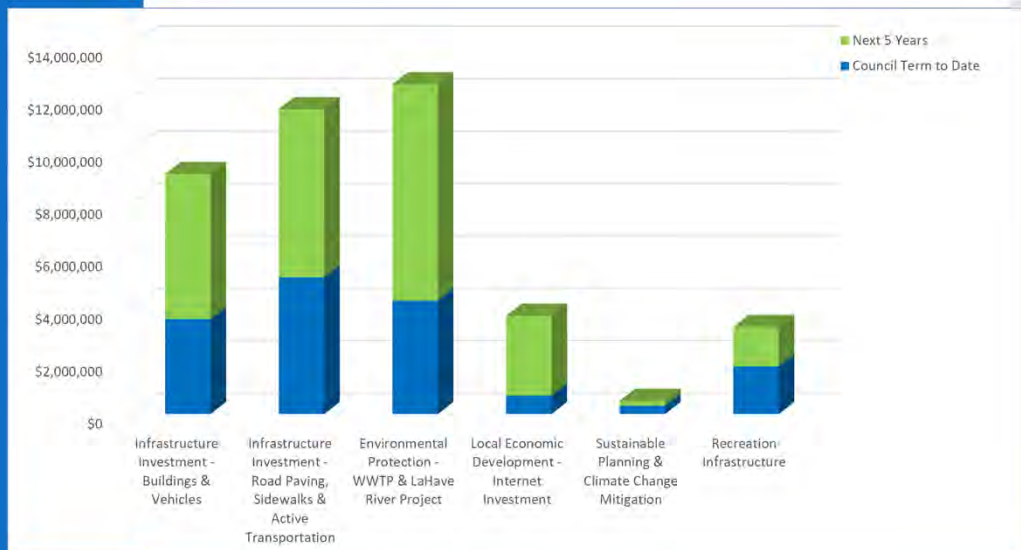
- 1) 2020-21 Includes one time costs for PSSP Transfer (funded through reserves)
- 2) 2020-21 Includes NSTIR Partnership & AT Plan (funded through Gas Tax)
- 3) Debt Servicing: 2020-21: payout from reserves \$1,225,000 Economic Development Loan; 2021-22: final loan payment made in October 2021 to be debt free.

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5 Year Financial Strategy

2020-21 Budget Year

Capital Budget

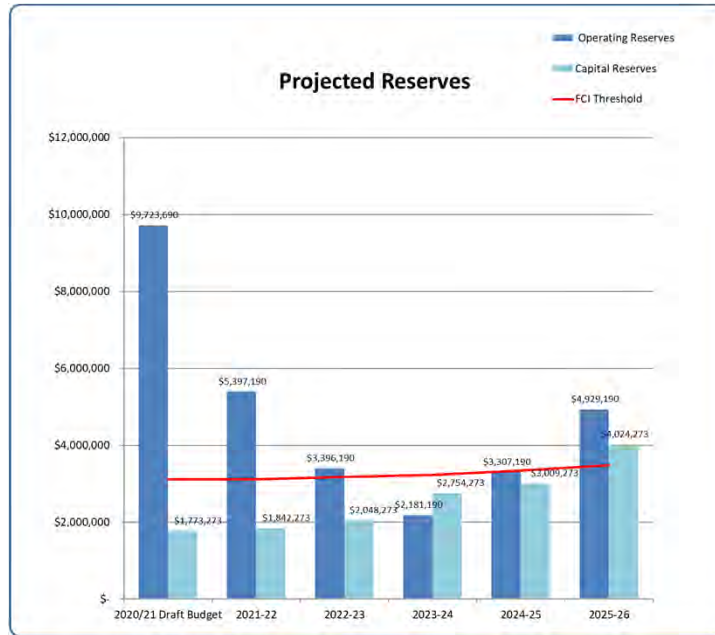


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5 Year Financial Strategy

2020-21 Budget Year

Reserves





Municipality of the District of Lunenburg Request for Decision

REPORT TO: Policy & Strategy Committee
SUBMITTED BY: Sarah Kucharski, Communications Officer &
Alex Dumaresq, Deputy CAO
DATE: January 19, 2020
RE: Strategic Priorities

Council completes a strategic priority setting process annually to guide the budget preparation process and to assist in focusing the work of the Municipality on topics of strategic importance to our communities. In a non-election year, the process involves input from citizens through the Your Government, Your Ideas meetings series, a review of existing projects and plans, identification of emerging issues, followed by Council identifying its top priorities for the coming 12 to 18 month period. In an election year, submissions from Councillors who have been campaigning in the community replace the input from the Your Government, Your Ideas meetings series.

Below is the chart showing the proposed priorities for the 2021/22 fiscal year. The chart groups priorities under the six broad goals identified in the Municipality's Strategic Plan.



Continuing Priorities

Rural Internet

The work to expand access to high-speed Internet continues, with significant staff resources dedicated to this project.

The proposed outcome for 2021/22 is:

- Continued implementation of the Connectivity Strategy including:
 - Finalize TNC Fixed Wireless (CTI) project tower approvals and installations
 - Continue to work with Bell on the Fibre Expansion project
 - Investigate any remaining resident points and seek out solutions

Five-Year Financial Strategy

Council successfully completed a 5-Year Financial Strategy, and the tool is now effectively employed to help inform the budget and significant capital decisions of Council, such as land purchases.

The proposed outcome for 2020/2021 is: The Municipality will be debt free by October of 2021. Continued implementation of the strategy including maintaining stable tax rates and capital planning.

LaHave River Straight Pipes

This project continues as planned, with the goal of seeing the lower LaHave River straight pipe free by 2023.

The proposed outcome for 2021/22 is: Installation of at least 75 more systems to replace straight pipes and inspection of the remaining 136 systems to determine the need for replacements, while remaining within the project budget.

Recreation Infrastructure

Council continues to invest in the improvement of MODL's network of recreation assets; this priority should remain on the chart in 2021/22. Because of the extent of potential recreation projects ongoing or contemplated, Council's focus should be on projects that are already underway. A prioritized list of recreation infrastructure development will be available in the early spring.

Fire Services Recruitment and Retention

This is a continuing project and should remain in the strategic priority chart. The approval of the strategy and initial efforts have received national attention, and anecdotally, some departments have observed an increase in membership attributable to the campaign.

The proposed outcome for 2021/22 is: Continue marketing and department supports.

Lyme Disease

The bait station and public education projects were both launched in 2018, and Council has committed to the completion of these two components of the Lyme Disease Response Project. This topic remains one of the most important ones to residents participating in our public engagement.

The proposed outcome for 2021/22 is: Complete the fourth year of the public education campaign and final year of bait station research.

Accessibility Plan

This is a continuing project and should remain in the strategic priority chart. Provincial legislation requires the Municipality prepare and implement a plan to significantly improve universal accessibility to municipal facilities.

The proposed outcome for 2021/22 is: Submit the county-wide Accessibility Plan to the province's Accessibility Directorate, and develop the Municipality's individual Accessibility Action Plan.

Climate Emergency Response

This strategic priority covers climate change and mitigation actions Council has approved.

The proposed outcome for the revised Climate Emergency Response priority for 2021/22 is: Develop and finalize both Corporate and Community Action plans, and the continued study of flood risk in the Petite Riviere Watershed.

Removed Priorities

LCLC Governance – This work is largely complete, the LCLC Board will continue to work on governance improvements.

Road Strategy – This work has been operationalized, and continues as an operational priority.

Flood Mitigation – This priority is now captured under the Climate Emergency Response priority.

New Priorities

Farmers Market Complex

Investigate option for a full complex with a Farmers Market as the primary tenant.

The proposed outcome for 2020/2021 is:

- Establish a joint vision and develop an understanding of facility needs with potential stakeholders
- Explore areas of potential funding
- Begin early stages of design

Wayfinding Strategy

This project involves the development of a wayfinding system that reinforces the sense of place, identity and interconnectedness of the District and its features, while also improving navigability and wayfinding within its borders.

The proposed outcome for 2020/2021 is: Complete the wayfinding design, designate primary locations and begin installations.

Garden Lots

The community of Garden Lots has ongoing water and wastewater issues. A solution is required that will provide a safe, reliable source of drinking water and alternatives to malfunctioning or poorly constructed on-site sewage disposal systems.

The proposed outcome for 2020/2021 is: Complete design and tender document.

Drought Response Strategy

As Climate Change effects continue to impact our environment, an increasing number of residents face dry wells during low precipitation summers. Council is interested in exploring options to mitigate the impact of increasingly dry summers resulting from climate change.

The proposed outcome for 2020/2021 is: Define the issue, and research and evaluate potential approaches.

Anti-Racism Strategy

Council recognizes that racism and discrimination are ongoing concerns, in Canada, Nova Scotia, and in the municipality.

The proposed outcome for 2020/2021 is: Explore MODL's role in developing a municipal action plan for ending racism and discrimination, and complete anti-racism and implicit bias training for Staff and Council.

ALTERNATIVES FOR COUNCIL CONSIDERATION

Transit

MODL has worked collaboratively with neighbouring municipalities to explore possible transit initiatives. With a fixed route service now operating within the Town of Bridgewater there has been increased discussion about possible options for getting people from the Town boundary to Osprey Village. A possible option could be for MODL to issue an expression of interest for providers who could offer a transportation service from the Town border to Osprey Village.

DISCUSSION

Direction is being sought from the Committee on whether the projects identified in the draft chart reflect Council's priorities as a whole, and whether the outcome descriptions are appropriate.

The purpose of the Strategic Priorities Chart is to increase Council and staff's focus on the key initiatives Council wishes to achieve. Establishing the draft priorities is necessary to provide guidance to staff and the Finance Committee during the budget preparation process and in setting work programs through the year. Projects not identified on the priorities chart may proceed, however, where there is a conflict between resources required, staff and financial resources will be allocated to the prioritized project.

RESOURCING

It is important to note that the Municipality is not currently staffed to move forward with all of the projects identified on the chart. Current staff resources cannot accommodate the addition of the new strategic priorities identified.

Discussion at upcoming Finance Committee meetings will focus on the required staff complement to make progress on new and expanding priorities of Council. Two key gaps in resources are:

- 1) Additional capacity to develop and manage the exploration and development of strategic project plans, and;
- 2) Greater resources to provide oversight of the procurement, design and construction of infrastructure projects.

Should Council proceed with the chart as presented, these gaps will need to be considered during budget deliberations. This in addition to responding to an increase in operational resource demands.

If the Committee is satisfied with the potential strategic priorities identified, then a recommendation to Council could be made to adopt the priorities as presented. If an alternative option is of higher importance to Council, direction should be given to staff at the meeting. This information will be used to determine what projects would need to be removed in order to accommodate an alternative, which would form the basis of a revised report.

CONCLUSIONS

Council Strategic Priorities chart is key step in budget process, as it guides the use of municipal staff time and financial resources, and serves to communicate Council's areas of focus to citizens.

The projects outlined in the 2021/22 chart represent an ambitious slate of work designed to reflect our commitment to building on the successes of our community. Each project contributes to progress in the six broad goals identified in the Municipality's Strategic Plan: Economic Development, Sound Finances, Investing in Infrastructure, Improving Community Services, Forward-Looking Administration and Sustainable Planning.

Department: Administration

Report Prepared By: Sarah Kucharski

Report Approved By: Alex Dumaresq

Reviewed By CAO:

Date: January 11, 2021

Date:

Date: