

**AGENDA**  
**SPECIAL MEETING OF MUNICIPAL COUNCIL**  
**Via TELE & VIDEO CONFERENCE**

**Tuesday, June 9, 2020 – 9:00 a.m.**

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. AWARDING OF TENDERS/RFPs**
  - 3.1 Award of Tender #2020-05-001 Street Rehabilitation Meadow Brook Subdivision..... 1-2
- 4. RECOMMENDATIONS FROM COMMITTEES & BOARDS**
  - 4.1 Finance Committee**
    - 4.1.1 Municipal Tax Billing Covid-19 Response and Options ..... 3-7
  - 4.2 Nominating Committee**
    - 4.2.1 Sherbrooke Lake Stewardship Committee re Reappointment ..... 8
- 5. STAFF REPORTS**
  - 5.1 Planning Department**
    - 5.1.1 Second Reading re Repeal and Replacement of the By-law Respecting the Maintenance and Improvement of Private Streets..... 9-31
  - 5.2 Administration Department**
    - 5.2.1 E-voting Services for 2020 Municipal and CSAP Elections ..... 32-41
    - 5.2.2 Fire Department Ratepayer Meetings ..... 42-44
- 6. IN CAMERA**
  - 6.1 Contract Negotiations re Town of Lunenburg under Section 22(2)(e) of the MGA
- 7. ADJOURNMENT**





# Municipality of the District of Lunenburg

## REQUEST FOR DECISION

**REPORT TO:** Council

**SUBMITTED BY:** Jamie Burgess, P.Eng., Municipal Engineer

**DATE:** June 9, 2020

**RE:** Street Rehabilitation Tender Meadow Brook Subdivision

### RECOMMENDATIONS

*That Municipal Council authorize staff to award TENDER 2020-05-001 to Dexter Construction Ltd. for \$688,000, plus HST.*

*That Municipal Council concurrently approve a change order contingency of 10% for a total construction value of \$756,800, plus HST.*

### BACKGROUND

Roads are a major priority in our Municipality. Well maintained, good quality roads are essential for our communities. The Municipality recognizes the importance of roads to our residents. This work will significantly improve these roads as well as reduce the need for annual maintenance, such as grading and dust control.

### DISCUSSION

The tender document was issued on May 13, 2020 and closed at 2:00 pm on June 2, 2020. Two (2) bids were received and accepted by the tender deadline. The rehabilitation work will include ditching, upgrading of culverts and the asphalt paving of Meldrum Avenue from the Town line to Buena Vista Drive, all of Buena Vista Drive, and all of Aspen Court. The two bids are summarized in the table below:

Contractor	Price (excl. HST)	Contingence (10%)	Total Price (excl. HST)
Atlantic Road Construction and Paving Limited	\$1,000,575	\$100,058	\$1,100,633
Dexter Construction Ltd.	\$688,000	\$68,800	\$756,800

The Engineering Department at MODL has worked with Dexter Construction Ltd. on several projects in the past, including the CES Building Parking Lot Upgrade; Nathan Cirillo Road Extension and Municipal Services Building foundation pad projects. The quality of the work and reliability of this contractor regularly meets and exceeds expectations.

**BUDGET IMPLICATIONS**

The Meadow Brook Subdivision road upgrade project was included in the 2020 capital budget at \$833,000. The price Dexter Construction Ltd. has submitted, including a 10% contingency and net HST, is within MODL's capital budget amount.

**CONCLUSION**

Recommendations:

*That Council authorize staff to award STREET REHABILITATION TENDER 2020-05-001 to Dexter Construction Ltd. for \$688,000, plus HST.*

*That Municipal Council concurrently approve a change order contingency of 10% for a total construction value of \$756,800, plus HST.*



# Municipality of the District of Lunenburg

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210 Aberdeen Road Bridgewater Nova Scotia Canada B4V 4G8  
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June 3, 2020

To Her Worship, Mayor Bolivar-Getson, and Councillors  
of the Municipality of the District of Lunenburg

Dear Mayor and Councillors:

The Finance Committee, in session on Tuesday, June 2, 2020, made the following recommendations to Council:

1. that Municipal Council set the interest charged on overdue property taxes starting September 1, 2020 continuing through March 31, 2021 at 0% and that the due date of the final tax bill remains October 31, 2020; and further; that a policy be developed for tax relief measures to targeted groups to accommodate those hardest hit by the COVID-19 situation.

Respectfully submitted,

Chairman and Members  
Finance Committee

/rh

Attachments



# Municipality of the District of Lunenburg

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## REQUEST FOR A DECISION

**REPORT TO:** Finance Committee

**SUBMITTED BY:** Elana Wentzell

**DATE:** June 2, 2020

**RE:** Municipal Tax Billing COVID-19 Response and Options

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### RECOMMENDATION

*It is recommended that Municipal Council set the interest charged on overdue property taxes starting September 1, 2020 continuing through March 31, 2021 at 0%.*

**AND**

*That the due date of the final tax bill remains October 31, 2020*

**AND**

*That a policy be developed for tax relief measures to targeted groups to accommodate those hardest hit by the COVID-19 situation.*

### BACKGROUND

The Provincial Statement of Emergency and the COVID-19 pandemic has had a significant economic impact on many businesses and residents in MODL. The Province has developed a financing option that some Municipalities are utilizing – allowing taxpayers to defer and finance this year’s tax bill over the next 30 months at a reduced rate. This does not provide significant financial relief and could have the unintentional consequence of making it more difficult for taxpayers to pay future tax bills as there would be new bills due before the 2020/21 bills were paid.

The Municipal Government Act contains several legislative powers that would allow Council to provide help to its taxpayers including setting the due date for the tax bills, setting the interest rate on overdue taxes, providing discounts for the early payment of tax bills and setting up payment plans for overdue taxes. MODL currently does set up payment plans for overdue

taxes and follows the MGA for tax sales – properties 3 years in arrears must sold at Tax sale. However, interest charged on overdue taxes remains at 10%.

## **OPTIONS**

The impact of any changes to taxation has both monetary and administrative implications. Any change to due dates requires adjusting the Tax Collection Schedule. For example, Municipal Council has already made the decision to delay the due date of the May interim tax bill by 3 months to August 31. Because tax customers have 3 months to pay the property tax bill, reminder notices (statements issued on overdue accounts) cannot be processed until September. With the final tax billing issued in the same month, it would be redundant to issue both tax statements and tax bills.

### ***Final Tax Billing Due Date***

The final tax bill will be issued in September with an October 31 due date. This due date could be delayed for 3 months until January 31, 2021.

The administrative implications of a January 31 due date include delaying the installation of the 2021 assessment roll, and the issuance of tax collection letters and reminder notices.

The assessment roll is usually installed in January. Name changes from December 1 onwards are not made until after the roll is installed. With 30,000 tax accounts, installing the roll and dealing with the many name changes takes a significant amount of time. Processing tax payments at the same time could be onerous for department staff.

Reminder notices are usually mailed in December; Collection letters for accounts 1 and 2 years in arrears are usually mailed in January. Collection calls are made to those accounts 3 years in arrears in late January/early February with 3-year collection letters sent to those who did not follow through with payments in March. These procedures would have to be adjusted.

The Municipality uses mirror accounting on its bank accounts. Some accounts can be in a negative position and others in a positive position, interest is paid on the net balance. The Municipality's policy is to utilize its operating surpluses to cover cash flow in the Operating Fund. Cash flow is important and will be monitored throughout the fiscal year.

Delaying the due dates affects the cash flow, which will be monitored, and the amount of interest earned on deposit. Lost interest revenue by delaying due dates could equal upwards of \$30,000.

### ***Interest on overdue Taxes***

The Municipality charges a daily interest rate of 10% per year compounded monthly on its tax bills. Interest is not charged until after the due date. Council may consider reducing this rate to 5% or even 0%. Reducing the interest rate would help both resident and businesses who are having difficulty paying their tax bill and would also benefit those who are currently in arrears. Any changes to the interest rate would be system wide and affect all overdue accounts.

A determination of when the rates would be reduced combined with the amount of the reduction must be made. Does Council wish to reduce interest starting June 1 or wait until September 1 when the current tax bills are due? Staff suggest that any interest reduction start on September 1 to give relief to those taxpayers who normally pay their bills on time.

If rates were reduced to 5%, it is estimated there would be \$74,000 in lost interest revenue. If rates were reduced to 0%, it is estimated that the impact would be \$147,900 in lost revenue.

***If interest on overdue taxes was adjusted to 0% for this fiscal year, the due date for the final tax billing could remain the same. No interest would be charged until April 1, 2021 and the tax sale, assessment roll and reminder notice schedule could remain intact.***

### ***Payment Plans for Overdue Taxes***

Municipal Council may want to set up specialized payment plans for targeted groups such as businesses facing losses due to COVID-19. This would require a Council approved policy. The policy would have to set out which groups are included, and the tax relief measures that would be put in place. This could be a combination of interest relief and a payment plan. Staff have compiled a list of potential businesses that could be affected. It is not an exhaustive list but gives some idea of what kinds of businesses are located within our Municipality (see attached).

### **BUDGET IMPLICATIONS**

The budget includes amounts for interest earned on deposit and interest on overdue taxes. Both of these line items would be affected by a due date deferral and a reduction in interest charged on overdue taxes. As well cash flow will be affected. The Municipality is in a good financial position and the cash flow will be monitored.

The approved budget contains amounts to be transferred from the Operating Surplus reserve if revenues like interest and deed transfer tax are reduced due to the economic impact of COVID-19. If interest rates were reduced, the lost revenue would have to be made up by the reserves. The interest earned on overdue taxes is budgeted at \$250,000. Lost revenue could range from \$74,000 to \$147,900 based on a September 1 start date and rates of 5% and 0% respectively.

Delaying the due date of taxes would have implications on the amount of interest earned on monies on deposit at the bank. All interest earned is based on the prime rate. Staff estimate that upwards of \$30,000 in deposit interest could be lost based on delayed due dates.

**CONCLUSION**

Council has several options available to provide relief to its residents to ease the property tax burden during the COVID-19 pandemic.

Staff believe that if interest rate on overdue amounts was reduced to 0% starting September 1, 2020 continuing through March 31, 2021 then both residents and businesses would have time to get their taxes paid with no overdue interest charges until the new fiscal year.

A payment plan at a reduced interest rate could be set up by policy and administered on a case-by-case basis. That would ensure those hardest hit by the COVID-19 situation have an avenue for tax payment deferral and interest relief.

Department: Finance and Administration	
Report Prepared By: Elana Wentzell	Date: May 27, 2020
Report Approved By: _____	Date _____
Reviewed By CAO: _____	Date _____



# Municipality of the District of Lunenburg

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June 3, 2020

To Mayor Bolivar-Getson and  
Municipal Councillors

Dear Council:

The Nominating Committee met on May 19, 2020, and made the following recommendation to Council:

1. that Municipal Council approve the reappointment of Robin McAdam, Municipality of the District of Chester resident, to the Sherbrooke Lake Stewardship Committee for a three-year term.

Respectfully submitted,

Chairman and Members  
Nominating Committee



# Municipality of the District of Lunenburg

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## REQUEST FOR DECISION

**REPORT TO:** Municipal Council  
**SUBMITTED BY:** Byung Jun Kang, Planner  
**DATE:** June 9, 2020  
**SUBJECT:** PL190051: Private Roads By-law, Council Second Reading Memo

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### ORIGIN

Municipal Council, in session on Tuesday, February 25, 2020, gave notice of its intention to repeal the By-law Respecting the Maintenance and Improvement of Private Streets approved by Council on April 12, 2005 and amended on February 14, 2006, October 9, 2007 and February 17, 2009 and to replace it with the Private Roads By-law, conducted First Reading of the same and gave notice of Second Reading; and further, directed staff to develop supplementary materials regarding road maintenance for the residents living on a private road.

### LEGISLATIVE AUTHORITY

Sections 75 and 81 of the **Municipal Government Act**

### RECOMMENDATION

If Council wishes to conduct Second Reading, the following motion is in order:

**that Municipal Council conduct Second Reading to repeal the By-law Respecting the Maintenance and Improvement of Private Streets, approved by Council on April 12, 2005 and amended on February 14, 2006, October 9, 2007 and February 17, 2009, and replace with the Private Roads By-law, as presented and amended in Appendix A of this memorandum submitted June 9, 2020, and hereby adopt the By-law.**

### BACKGROUND

Municipal staff reached out to all road associations under agreement with the Municipality and a couple of dozens of interested residents to hear their opinions on the new By-law. As well, all related information was posted at <https://engage.modl.ca/private-roads-by-law>.

## Supplementary Materials

Staff is preparing materials for private road residents in assisting them with the administration of their private roads. All materials will be available in public at <https://engage.modl.ca/private-road>. The new webpage includes sample forms, important links, a petition checklist, a list of frequently asked questions, along with many other information regarding private roads.

## DISCUSSION

After reviewing the proposed By-law, staff recommends revising the following clauses before conducting Second Reading:

**Clause 5(c)** a letter of consent signed 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 approve the operating and capital budgets has been duly given;

→ **a resolution certificate, signed by a director of the private road 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;

Reason: the signatures are already received at Clause 5(e), so a certificate validating an ordinary resolution passed by the road association representing the private road landowners by majority vote would be sufficient.

**Clause 5(d)** a plan defining the Charge Area boundary the property boundaries in the Charge Area;

→ a plan defining the Charge Area boundary **and** the property boundaries in the Charge Area;

Reason: a grammatical error needed to be corrected.

**Subsection 17(2)** Where the charge is collected for maintenance that occurs annually, the notice only needs to be sent to each landowner upon filing of the certificate, instead of being sent annually.

→ 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.

Reason: A certificate is no longer filed with the Municipal Clerk after a road association enters into an agreement with the Municipality.

## Legal Review

The municipal solicitor has reviewed the proposed revisions to three clauses in the new By-law, and determined them as non-substantial changes on April 30, 2020. If a revision is considered substantial, it changes the intention of a by-law. However, the suggested revision is more for clarification of the new By-law, and does not change its original intent.

## Public Comments

Two public comments were received.

On April 18, 2020, Dave Sutherland in Camperdown stated “The changes made in this by-law enable options for those who previously had no options. I thank the council and staff for hearing the needs and addressing the issue.”

On May 22, 2020, Robert Rawlins in Conquerall Mills (Fancy Lake) stated “This by-law caused serious division and arguments between neighbors in the community last time around. This revision will reignite that and for no good reason. It should not be adopted.”

In the notice of adoption, it should be clarified that the intention of new by-law is to assist private road residents by providing tools. Municipality will not mandate any minimum standard; it is the landowners living on a private road who make decisions on the maintenance of road.

## ALTERNATIVE

Council may choose not to proceed with the adoption of the amending By-law, and direct staff to re-evaluate the By-law further with the Policy and Strategy Committee. In such case, Council would make a motion to reject the By-law, followed by another motion to direct staff to revisit the By-law, with the necessary direction from Council as to which section is to be reviewed.

## COMMUNICATION CONSIDERATIONS

As required by Section 169 of the **Municipal Government Act**, a notice of by-law adoption will be published in a newspaper circulating in the Municipality, stating the object of the by-law and the place where it may be read.

## ATTACHMENT

Appendix A: Private Roads By-law (2020)

Appendix B: Private Streets Improvement and Maintenance By-law (2005)

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Department: Planning & Development Services

Directory: 66330-20

Prepared by: Byung Jun Kang, Planner

Date: 2020.04.24

Approved by: Jeff Merrill, Director of Planning & Development Services

Date: 2020.05.05

## 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 10<sup>th</sup> 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 <b>Date of Advertisement of Adoption of By-law*</b>	June 9, 2020 June 17, 2020
Date of mailing to Minister a Certified copy of By-law	June 17, 2020
I certify that this “ <b>Private Roads By-law</b> ” 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**

**A BY-LAW RESPECTING THE MAINTENANCE AND IMPROVEMENT  
OF PRIVATE STREETS**

**Amended February 14, 2006**

**Amended October 9, 2007**

**Amended February 17, 2009**

Be it enacted by the Council of the Municipality of the District of Lunenburg as follows:

- 1.0 Short Title  
This Bylaw shall be known as A By-law Respecting the Maintenance and Improvement of Private Streets and shall be cited as “The Private Streets Maintenance and Improvement By-law”
2. Interpretation
  - 2.1 “Act” means the Municipal Government Act, S.N.S, Chapter 18 of the Acts of 1998. **[Amended February 17, 2009]**
  - 2.2 “Association” means a body corporate incorporated and in good standing under the Societies Act, which represents the owners within a Charge Area.
  - 2.3 “Council” means the Council of the Municipality of the District of Lunenburg.
  - 2.4 “Charge” means a charge imposed pursuant to Section 81 of the Municipal Government Act in an amount to be determined pursuant to this By-law and payable in respect of the street improvement or maintenance.
  - 2.5 “Charge Area” means an area to which a Charge is imposed and as more fully described in a petition for street improvements and / or maintenance submitted pursuant to this By-law.
  - 2.6 “Improvement” means the work undertaken on a road to increase or improve upon the existing condition or level of service of a road.
  - 2.7 “Maintenance” means the work required to maintain a roads existing condition or level of service and for greater certainty includes snow and / or ice removal.
  - 2.8 “Municipality” means the Municipality of the District of Lunenburg
  - 2.9 “Owner” means:
    - (a) an owner, part owner, joint owner, tenant in common or joint tenant, excluding the Municipality of the District of Lunenburg, of any interest in the whole or any part or parcel of land or a building in a Charge Area and having the right to use the street; **[Amended October 9, 2007]**

- (b) in the case of the absence or incapacity of a person or persons having ownership of any interest in the parcel of land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of land or building in a Charge Area and having the right to use the street; or
- (c) in the absence of proof to the contrary, the person assessed for the taxes on the parcel of land or building in a Charge Area and having the right to use the street ; and
- (d) for the purpose of calculating the percentage of owners in Section 3, a parcel of real property with more than one owner shall be counted as having one owner.

2.10 "Street" means any private street, private roadway, private highway or private traveled way, or portion thereof, situate in the Municipality.

### 3. Charge Imposed

3.1 The Municipality may levy a charge for improvements and /or maintenance of a street upon the owners of real property within a Charge Area, in an amount necessary to provide for such improvement and / or maintenance:

- a) where the requested method of levying the charge is on a lot frontage basis, upon at least sixty-six and two thirds percent (66.66%) of the owners of real property in the Charge Area owning land which also comprises at least sixty-six and two thirds percent (66.66%) of the frontage of real property within a Charge Area; or
- b) where the requested method of levying the charge is on a uniform lot charge basis, upon at least sixty-six and two thirds percent (66.66%) of the owners of real property in the Charge Area; or
- c) where the requested method of levying the charge is on a lot area basis, a lot assessment basis, an assessment classification basis, or such other method not referred to in clause (a) and (b), upon at least sixty-six and two thirds percent (66.66%) of the owners of real property in the Charge Area owning land which also comprises at least sixty seven percent of the area of real property within a Charge Area;

petitioning in person or by agent the Municipality for an improvement and/or maintenance of a street within a Charge Area, for a purpose provided for under Section 81 of the Municipal Government Act; and

- d) the petition referred to in clause (a), (b) or (c) herein has been submitted by an Association responsible for having the improvement and /or maintenance carried out ;representing the Charge Area:

- i) an estimated yearly maintenance and/or improvement budget for that year's street maintenance which was passed by a Special Resolution of the Association,
  - ii) a copy of the Special Resolution required in subclause (i) **[Amended February 17, 2009]**
  - iii) a copy of the Associations Memorandum of Understanding and By-laws which clearly states that the object or purpose of the Association is to carry out maintenance and /or improvements to the street and that the Association has been formed to represent the owners within the Charge Area;
  - iv) where the requested method of levying the Charge is on a lot frontage basis a Plan showing the Charge Area out lined in red, the lots affected, a survey of the streets and the frontage of the lots in the Charge Area on the street,
  - v) where the requested method of levying the Charge is on a lot area basis a Plan showing the Charge Area outlined in red, the lots affected, the area of the lots, the length and width of the streets,
  - vi) where the requested method of levying the Charge is on a lot assessment or a per lot basis, a Plan Showing the Charge Area outlined in red, the lots affected, and the width and length of the street, and
  - vii) notwithstanding subclauses (iv), (v) or (vi), Council may require additional information as it deems necessary to determine the method of calculation or the amount of a Charge necessary; and **[Amended February 17, 2009]**
- e) The Association has entered into an Agreement with the Municipality which:
- i) requires that the Association shall be responsible for performing, or contracting, the work associated with the improvement or maintenance of the street or streets in a Charge Area;
  - ii) indemnifies and saves harmless the Municipality from any and all liability or responsibility with respects to the work associated with the improvement or maintenance of the street or streets in a Charge Area;
  - iii) identifies that the petition forms the basis of the method of the Charge; and
  - iv) contains any other clauses as deemed necessary by Municipal Council.

3.2 The petition referred to in clause 3.1(a) shall be in form as prescribed in

Schedule A of this By-law and be submitted no later than the first working day of March in the fiscal year prior to the fiscal year in which the charges are sought.

**[Amended February 17, 2009]**

- 3.3 The Municipality of the District of Lunenburg not being included in the definition of owner as set out in section 2.9 of this By-law shall be excluded from signing any petition as described in sections 3.1 and 3.2 of this By-law.

**[Amended Oct. 9, 2007]**

#### 4. Methods of Charge

- 4.1 A Charge levied pursuant to Section 3, shall be determined in accordance with the provisions of this By-law and may be calculated based on:

- a) the frontage of each lot on any street, being the ratio that the foot frontage of each lot bears to the total frontage of the street or portion thereof to be improved and / or maintained;
- b) the assessment of each lot, being an area rate of an amount per \$100.00 of assessed value of the property within the Charge Area;
- c) the assessment classification of each lot, being a charge apportioned to a lot based upon the assessed use of the property as shown on the Assessment Records of the Province of Nova Scotia;
- d) an uniform amount for each lot, being an equal amount apportioned to each lot within the Charge Area;
- e) the area of each lot, being the ratio that the area of each lot bears to the total area of the lots within the Charge Area
- f) any combination of two or more such methods of calculating the Charge;  
or
- g) such other method as Council deems appropriate

#### 4.2 Variations in Charges

The Charge levied pursuant to this By-law may be fixed at different rates for different assessment classes or uses of properties and may be fixed at different rates for different "Charge Areas"

#### 4.3 Frontage Charge

Where the amount of the Charge contains a component, calculated, in whole or in part, based upon the frontage of the lot on a street, the component of the Charge which is based upon frontage shall be calculated as follows:

- a) for the purpose of calculating frontage, the number of lineal feet of frontage shall be a horizontal projection measured along the boundary line adjacent to the street;

- b) where a lot is situated such that the lot has frontage on two or more streets within a Charge Area, the component of the Charge based upon frontage shall be calculated based upon the average lot frontage, calculated as the total frontage divided by the number of streets the lot has frontage on; and
- c) notwithstanding clause 4.3(a) and 4.3(b), where a lot has frontage on a street the minimum deemed frontage shall be 75 feet.

4.4 Dispute of Measurement

In the event of a dispute between a property owner and the Municipality as to any measurement or area of real property, the owner shall retain, at his or her sole expense, a Licensed Nova Scotia Land Surveyor, who shall certify to the measurements or area of real property and submit the same to the Clerk.

5. Administration Charge

The total amount of the Charge levied by the Municipality shall not exceed the cost of the street improvements and / or maintenance and an administration charge of five percent (5%) of the cost.

For Greater Clarity:

(Total Cost of Improvement and / or maintenance) x 5% = (total amount of Administration Charge) **[Amended February 17, 2009]**

6. Exemptions from Charge

6.1 Notwithstanding the provisions of this By-law, the Municipality may, upon request, exempt from a charge any owners within a Charge Area whose property abuts and has access to a public highway or does not use or have access to the street upon which the maintenance and/or improvement is being sought but subject to the provisions that the Municipality may later assess those exempted owners if it appears to it that they are then using the improved streets.

6.2 The Municipality of the District of Lunenburg shall be exempt from payment of all charges and levies made pursuant to the By-law. **[Amended October 9, 2007]**

7. Annual Maintenance Charge

Where Municipal Council has accepted a petition for street maintenance, the Association shall submit on an annual basis a budget for the estimated road maintenance cost for the fiscal year. This Budget shall be passed by a Special Resolution of the Association responsible for ensuring the maintenance is carried out and the Budget and Special Resolution shall be received by the Municipality no later than the first working day of March in each calendar year. The effective date of this provision is March 16<sup>th</sup>, 2009. **[Amended February 17, 2009]**

8. Annual Improvement Charge

Charges for improvements to a private road shall be requested on an annual basis in accordance with the requirements Section 3.1

9. Lien

9.1 A Charge imposed pursuant to this By-law constitutes a first lien upon the real property with respects to which the Charge has been made and the Charge may be calculated in the same manner as taxes and shall be made payable in the same manner as taxes. **[Amended February 14, 2006]**

9.2 The lien provided for in this By-law shall become effective:

- a) with regard to a street improvement, on the date on which the Clerk of the Municipality signs and files at the Municipal Office, a Certificate stating the total costs of the street improvement and the amount of the Charge to be levied on each owner.
- b) with regard to street maintenance, on the date which the Clerk of the Municipality signs and files at the Municipal Office, a Certificate with a statement that the affected area is subject to an annual Charge for street maintenance in an amount set annually by Municipal Council as provided for in this By-law and shall remain effective from year to year until terminated pursuant to this By-law.

9.3 The lien provided for in this By-law shall remain in effect until the Charge plus interest has been paid in full.

9.4 Where a property subject to a lien is subdivided:

- a) in which the Charge imposed was calculated based upon frontage or lot area, the amount of the lien plus interest then unpaid shall be apportioned among the new lots created and including any residual land, such that the amount of the lien apportioned to the lots created an any residual land is based upon the percentage of the original lot frontage or lot area that the new lots and residual land are comprised of;
- b) in which the Charge imposed was calculated based upon a lot charge, or assessment classification of the lot, or any other method other than as referenced in clause (a), the amount of the lien plus interest then unpaid shall be apportioned among the new lots created including any residual land in proportion that the value of each new lot including any residual land bears to the total market value of the lands subdivided including any residual land or upon the assessment classification of each new lot and any residual land as the case may be at the time of subdivision approval

The market value and or assessment classification of lots so created must be confirmed by a provincial assessor. Written confirmation of the market value shall be submitted to the Treasurer.

10. Notice of Charge

Upon filing the Certificate pursuant to clause 9.2(a) and clause 9.2(b), the Clerk shall notify the owner of each property within the Charge Area of the charge payable by the owner and the basis for the Charge. **[Amended February 17, 2009]**

Where the Charge is being collected for street maintenance that occurs on an annual basis the notice needs only to be sent to each owner upon filing of the Certificate and not annually.

11. Payment of Charges

11.1 A Charge payable pursuant to this By-law for street maintenance and/or improvements shall be billed on the last working day of April and due on the last working day of May of each year in which the charges are to be levied. **[Amended February 14, 2006 and February 17, 2009]**

11.2 The charge imposed by this By-law will appear on the tax bill and shall bear interest on any outstanding balance from and after the due date. The interest rate shall be as prescribed by motion of Council with respect to taxes and overdue charges and shall be applied as per this same motion. **[Amended February 14, 2006 and February 17, 2009]**

11.3 By June 15<sup>th</sup> in each year in which the charges are to be levied, the Municipality shall transfer to the Association the amount requested to be levied by the Association for road maintenance and/or improvements, less the administration fee. **[Amended February 14, 2006]**

12. Termination of Charge

The Charge imposed pursuant to this By-law for a street improvement and / or maintenance may be terminated at any time by the Association filing with the Municipality a certified copy of a Special Resolution of the Association passed at a duly constituted meeting, called for that purpose, requesting the Municipality to terminate the charge or by the Municipality at its own discretion, if there has been non-compliance by the Association with the provisions of this By-law. In either case, upon the Clerk filing with the Municipality a Certificate stating that all monies payable pursuant to this Charge have been collected, this By-law shall thenceforth have no further force or effect within the Charge Area.

SCHEDULE A  
(A By-law Respecting the Maintenance and Improvement of Private Streets)

PETITION FOR STREET IMPROVEMENT AND MAINTENANCE

To the Municipality Council of the Municipality of the District of Lunenburg.

The Undersigned, being at least 66.66 percent of the owners of real property in the Charge Area, as shown on the attached Map, and owning land which also comprises at least 67 percent of the real property within this same Charge Area do petition Municipal Council to accept this petition for *(choose one only by placing an 'X' beside the option chosen)*

- a) Improvements \_\_\_\_\_
- b) Maintenance \_\_\_\_\_
- c) Improvements and Maintenance \_\_\_\_\_

on the streets located within the Charge Area, as identified on the attached map.

Also, each of the owners, whose signature appears below, respectively propose that the Municipal Council accept this as a petition in compliance with section 3 of the Private Streets Maintenance and Improvement By-law.

Each of the owners, whose signature appears below, request that they be levied a charge in respect of the street improvement, street maintenance or both ,as indicated above, and further that this charge be levied on *(choose only one by placing an 'X' beside the option chosen)*:

- a) the frontage of each lot on the street
- b) the assessment of each lot
- c) the assessment classification of each lot
- d) a uniform amount for each lot
- e) the area of the lot
- f) a combination of two or more such methods noted above, being \_\_\_\_\_ (note the methods)

The name of the Association representing the owners is:

\_\_\_\_\_

NAME AND SIGNATURES OF PROPERTY OWNERS

Name (please print)	Signature	Civic Address (please print)

**Municipal Clerks Annotation for Official By-law Book**

Date of First Reading: **January 13, 2009**  
Date of Advertisement – Notice of Intention: **January 20<sup>th</sup> and 23<sup>rd</sup>, 2009**  
Date of Second Reading: **February 10, 2009**  
**Date of Advertisement of Passage of By-law\*:** **February 17<sup>th</sup> and 20<sup>th</sup>, 2009**

I certify that this By-law amending a “**BY-LAW RESPECTING *the Maintenance and Improvement of Private Streets***” was adopted by Council and published as indicated above.

\_\_\_\_\_  
**Municipal Clerk**

\_\_\_\_\_  
**Date**

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



# Municipality of the District of Lunenburg

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## REQUEST FOR DECISION

**REPORT TO:** Mayor Bolivar-Getson and Councillors  
**SUBMITTED BY:** Sherry Conrad, Municipal Clerk  
**DATE:** June 2, 2020  
**RE:** E-voting Services for 2020 Municipal and CSAP Elections

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### RECOMMENDATION

**“that the Municipality of the District of Lunenburg enter into a contractual Agreement with Intelivote Systems Inc. under HRM’s Standing Offer for Integrated Voting Services HRM-19-336 and as per the proposal received from Intelivote Systems Inc. to deliver integrated internet and telephone voting services for the 2020 Municipal & CSAP Election and authorize staff to execute same”.**

### EXECUTIVE SUMMARY

Halifax Regional Municipality (HRM) approved the award of the Standing Offer for Integrated Voting Services HRM-19-336 for the 2020 Municipal and CSAP Elections to Intelivote Systems Inc.; and, as part of that contract, Intelivote has agreed to work with other municipalities interested in internet and telephone voting services. The cost of the service is based on a per eligible Elector E-vote Fee and a Voter Letter Printing & Postage Rate.

### BACKGROUND

Bulk purchasing for Integrated Internet and Telephone Voting Services was done for the 2016 Municipal and School Board Elections and Intelivote was awarded the contract in 2016. The Municipality of the District of Lunenburg participated in the bulk purchase of the services and was very satisfied with the services received from Intelivote Systems Inc.

HRM has undertaken very detailed auditing and security testing on the electronic voting services being offered to ensure the process is done securely.

### DISCUSSION

Staff have been in discussion with Dean Smith, President and Founder of Intelivote Systems Inc. regarding the cost and services being supplied to municipalities under the HRM Standing Offer. Attached is the proposal received from Intelivote Systems Inc. It offers the same services as it provided in 2016. The 2016

cost per elector for the e-Vote Service was \$1.15 per elector and the voter letter printing and postage rate was \$1.05 for a combined rate of \$2.20 per eligible elector.

The e-Vote Services fee for the 2020 Municipal and CSAP Election is \$1.25 per elector and the voter letter printing and postage rate is \$1.20 per elector for a combined rate of \$2.45 per elector. There were 20,652 electors on the Municipality's Final List of Electors.

### **BUDGET IMPLICATIONS**

Staff had budgeted \$49,000 for e-voting services for the 2020 Election. Using the number of electors on the Final List of Electors for 2016 (20,652), the estimated cost for electronic voting services for the 2020 Municipal and CSAP Election would be \$50,600.

### **COMMUNICATION**

A communication plan for both voters and candidates would be launched.

### **STRATEGIC PLAN**

N/A

### **ALTERNATIVES**

Municipal Council decided to do electronic voting (telephone and internet) during the alternative polling days (October 8 – 14, 2020). If Council does not award under HRM's Standing Officer, the Municipality would have to put out its own Request for Proposal (RFP) for Electronic Voting Services. Staff does not feel there would be any advantage realized price wise if MODL were to put out its own RFP as bulk purchasing is usually cheaper. In addition to the costs received in the RFP, there would be staff costs involved in preparing the RFP, advertising and posting the RFP, reviewing the proposals received and preparing the contract.

### **CONCLUSION**

Staff is recommending that Municipal Council enter into a contract with Intelivote Systems Inc. to provide integrated internet and telephone voting services for the 2020 Municipal and CSAP Election as per the proposal received from Intelivote Systems Inc. Mr. Smith has offered to do a presentation to Council on the services it provides to the Municipality, the voter, and the candidate.

Department: Administration

Report Prepared By: Sherry Conrad, Municipal Clerk Date: June 1, 2020

Report Approved By: Alex Dumaresq, Deputy CAO Date: June 3, 2020

Reviewed By CAO: Tom MacEwan Date: June 3, 2020



Ms. Sherry Conrad  
Municipal Clerk  
Municipality of the District of Lunenburg  
210 Aberdeen Road  
Bridgewater, NS B4V 4G8

Via Email: [Sherry.Conrad@modl.ca](mailto:Sherry.Conrad@modl.ca)

May 28, 2020

Re: eVoting Services – Intelivote Systems Inc.

Dear Sherry,

Thank you for reaching out to us regarding your potential online voting requirements. As the Canadian leader of evoting services, I am pleased to provide you with this quote and description of our services for electronic voting services for your 2020 Municipal and CSAP School Board voting requirements.

This document is provided to you based on preliminary information I have received from your email, the HRM RFP that was issued and awarded to us, as well as some assumptions we have made based on previously conducting over 45 online Municipal and School Board elections and by-elections in Nova Scotia, and over 215 online Municipal and School Board elections and by-elections in Ontario.

Intelivote has assumed that part of your mandate may be to increase eligible elector participation in your election, reduce and/or contain voting costs and manage administrative efforts and costs associated with the conducting of a local election. I know our solution can address all these issues.

It has also become abundantly clear to many of the election officials we have communicated with, that the current Covid-19 situation has added a further series of issues to the safety and willingness of election workers to work elections that require dealing in close proximity with eligible electors who may be looking to cast a paper ballot at a polling location. Added to this, the uncertainty of a potential second wave of the disease possibly becoming an issue in the fall, seems to be the impetus for many councils and election officials to consider evoting and allowing their citizens the option to vote from the comfort and safety of their homes.

I have attached an overview of our services and a detailed breakdown of the evoting services provided and a fee structure for your municipality, as well as the cost for Intelivote to manage the mail-out, by first class Canada Post mail, of the voter instruction letter including Personal Identification Numbers (PINs) to your eligible electors.

Please do not hesitate to contact me via email or call me at 1-888-481-1156 if you have any questions.

Yours truly,

Dean Smith  
President and Founder

## Electronic Voting (eVoting) - Solution Overview

Intelivote Systems Inc. (ISI) a Canadian owned and operated company, is the recognized Canadian leader in the successful implementation of eVoting; members casting their ballots using the Internet, wireless devices and mobile or land line telephones.

The Intelivote solution even provides a seamless integration of traditional in-person polling station voting and mail-in balloting, with an electronic voting solution which includes telephone and Internet voting. ISI's leadership position comes as a result of our extensive experience in conducting municipal, union, association, and political leadership elections in a secure and auditable fashion ensuring voter anonymity and ballot privacy.

Intelivote has delivered more eVoting events in Canada than all our competitors combined and in addition to our Canadian elections and events, we have gained international experience and credibility in the successful implementation of both Internet and telephone based voting applications used to deliver elections in the United States and the United Kingdom.



Intelivote understands that, in addition to other event requirements, event officials' mandate includes containing event costs, managing administrative time/effort, and providing overall management for the voting event. These requirements are among the key objectives and benefits available through the implementation of eVoting options.

ISI's extensive subject matter expertise in Union, and Association Elections and voting events, Municipal Elections, and Political Party Leadership Elections, has resulted in a full suite of eVoting system modules that address the needs of both the event officials and members.

Intelivote does not sell its software; it is provided as a voting service. There is no additional software or hardware for clients to purchase to run a voting event using the Intelivote suite of modules. All the services are provided with our base service and all the modules are Internet enabled; secured by encryption, digital certificates and login IDs and passwords.



Voter anonymity, PIN security and event auditability are paramount in the design and delivery of the eVoting solutions ISI provides. In addition, the ability to import member information from clients' membership or eligible Member Lists, export updated member information and perform demographic and statistical analysis on voting activity, further demonstrates the flexibility of our voting solution.

The ability for authorized event officials to review information on particular aspects of the eVoting event as it progresses (member participation rates, etc.) provides increased visibility to those voting event metrics that can define a successful electronic voting event.

ISI maintains a hosted data centre environment in Halifax through Bell Canada, which also hosts some of the most sensitive government and financial applications running in Atlantic Canada. The full range of services we deliver, including high-speed high-bandwidth data capability, and scaleable IVR (telephone) port availability, further demonstrates our commitment to our ensuring an event with maximum performance, communications path diversity, application redundancy and high survivability.



ISI's project management capability, coupled with our established processes and procedures is delivered by a team of information systems professionals and electronic voting experts, providing clients with the best in-class Internet and telephone voting solution.



Our experience confirms that several other categories of electors; disabled electors, retirees, shift workers and electors travelling are positively impacted by offering electronic voting. It is clear that eVoting specifically and effectively addresses all their requirements while at the same time offering them a new degree of convenience and secrecy not offered in traditional balloting at a polling location.

The ability to cast your ballot using the telephone, in addition to the Internet, addresses another important social-economic issue often cited in Internet-only voting solutions. The fact that Internet enabled electors have a more ample opportunity to cast their ballot than those who do not have Internet service, has been defined as a form of “digital divide” between certain groups of citizens.

This demographic of electors who for various reasons, either are not comfortable with the technology, or cannot afford the technology (PC) and/or Internet service, or that the technology is not offered in their vicinity, are addressed by Intelivote's solution with the use of our telephone enabled voting. Typically, everyone has access to phone service, and this presents an equal opportunity to all electors. In municipal elections and union events conducted by Intelivote over the past several years, on average, up to 20% of eligible electors casting their ballot electronically used a phone to cast their vote, clearly confirming the value of this option. I expect this would be similar in your particular situation.

Intelivote has been proactive in accommodating persons with disabilities facilitating their comfort and participation when using eVoting services. Intelivote's solution is compliant with the guidelines as listed by the W3C technologies website principles which include organization, functionality and readability of information provided, as well as alternative ways of representing information (audio).

As traditional election costs continue to climb and municipal voting participation rates continue to drop, providing electors with choice in how they cast their ballot offers an opportunity to increase voter participation and selecting Intelivote as the service supplier provides our clients with the benefit of having one of Canada's most experienced providers at your side during the entire voting period.

As noted earlier we are the Canadian leader in delivering eVoting services and **we are the only eVoting service organization with Federal Government security clearance for all our personnel, and our operations location.** This is in support of our selection as the supplier to the Federal Government of Canada for all the security clearance required eVoting performed by the Canadian Industrial Relations Board, and the Public Service Labour Relations Board.

In addition to having delivered the most Municipal Elections of all the service suppliers in Canada, our client list includes many of Canada’s largest unions and associations and includes other organizations we have successfully delivered a variety of events that support their AGM’s, executive and board elections, job action votes and agreement votes. A **sample** of our over 2,000 elections include services for these clients:

<ul style="list-style-type: none"> <li>• Ontario Municipal &amp; School Board Elections - 215 Events</li> </ul>	<ul style="list-style-type: none"> <li>• Nova Scotia Municipal &amp; School Board Elections – 45 Events</li> </ul>
<ul style="list-style-type: none"> <li>• Canada Industrial Relations Board (CIRB) – over 30 events</li> </ul>	<ul style="list-style-type: none"> <li>• State of Washington - Public Employment Relations Commission</li> </ul>
<ul style="list-style-type: none"> <li>• Newfoundland and Labrador Assoc. of Public and Private Employees (NAPE)</li> </ul>	<ul style="list-style-type: none"> <li>• Nova Scotia Gov. Employees Union - NSGEU - over 25 events</li> </ul>
<ul style="list-style-type: none"> <li>• New Brunswick Union of Public and Private Employees (NBPEA)</li> </ul>	<ul style="list-style-type: none"> <li>• Public Service Alliance of Canada – (PSAC) - over 20 events</li> </ul>
<ul style="list-style-type: none"> <li>• Public Service Labour Relations Board</li> </ul>	<ul style="list-style-type: none"> <li>• Nova Scotia Paramedics (IUOE)</li> </ul>
<ul style="list-style-type: none"> <li>• Nova Scotia Nurses Union</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunications Workers Union</li> </ul>
<ul style="list-style-type: none"> <li>• Elementary Teachers of Toronto (ETT)</li> </ul>	<ul style="list-style-type: none"> <li>• Canadian Flight Attendant Union</li> </ul>
<ul style="list-style-type: none"> <li>• Toronto Secondary Unit Teachers -TSU</li> </ul>	<ul style="list-style-type: none"> <li>• Manitoba Health Authority</li> </ul>
<ul style="list-style-type: none"> <li>• Unifor (numerous locals)</li> </ul>	<ul style="list-style-type: none"> <li>• Association of Cdn. Financial Officers</li> </ul>
<ul style="list-style-type: none"> <li>• Nurses Association of NB</li> </ul>	<ul style="list-style-type: none"> <li>• Teamsters Canada Rail Conference</li> </ul>
<ul style="list-style-type: none"> <li>• CUPE (numerous locals)</li> </ul>	<ul style="list-style-type: none"> <li>• Teamsters (numerous locals)</li> </ul>
<ul style="list-style-type: none"> <li>• IBEW (numerous locals)</li> </ul>	<ul style="list-style-type: none"> <li>• Canadian Merchant Services Guild</li> </ul>
<ul style="list-style-type: none"> <li>• Customs and Immigration Union (CIU)</li> </ul>	<ul style="list-style-type: none"> <li>• ACTRA</li> </ul>
<ul style="list-style-type: none"> <li>• Union of BC Performers</li> </ul>	<ul style="list-style-type: none"> <li>• Canada Actors Equity Assoc. (CAEA)</li> </ul>
<ul style="list-style-type: none"> <li>• Professional Association of Foreign Service Officers (PAFSO)</li> </ul>	<ul style="list-style-type: none"> <li>• United Steelworkers – USW (numerous locals)</li> </ul>
<ul style="list-style-type: none"> <li>• Association of Academic Staff University of Alberta (AASUA)</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunications Employees Association of Manitoba (TEAM)</li> </ul>
<ul style="list-style-type: none"> <li>• Canadian Broadcasting Corporation</li> </ul>	<ul style="list-style-type: none"> <li>• Doctors Nova Scotia</li> </ul>
<ul style="list-style-type: none"> <li>• Association of Municipal Clerks and Treasurers of Ontario (AMCTO)</li> </ul>	<ul style="list-style-type: none"> <li>• Confédération des syndicats nationaux (CSN) – numerous events</li> </ul>
<ul style="list-style-type: none"> <li>• Canadian Aboriginal and First Nations - over 15 events</li> </ul>	<ul style="list-style-type: none"> <li>• Canadian Political Leadership Elections (14)</li> </ul>
<ul style="list-style-type: none"> <li>• Alberta Labour Relations Board</li> </ul>	<ul style="list-style-type: none"> <li>• Ontario Labour Relations Board</li> </ul>

## Intelivote Modules

A series of modules are included in the Intelivote system that ensure all the key stakeholders in the eVoting process are provided with the information they require to perform their tasks in support of the event. These include:

- Auditor Module – provides support for an independent third party to formally audit the voting and availability of the system during the eVoting period.
- Ballot Review module – provides the opportunity for event officials to review the spelling and audio quality of information appearing on the eVoting ballots prior to the voting event starting.
- Chief Electoral Officer (CEO) module – provides an interactive monitoring and reporting capability to review the activity of the electors as the eVoting progresses.
- Voter Help module – provides assistance to electors who contact the HelpLine by allowing agents to review and query the status of a elector’s activity. It is important to note that the agent can never see how a voter has cast their ballot.
- Voter Help Supervisor module – provides supervisory administration and management of the Voter HelpLine agents and their activities.
- Enumerator module – provides the event officials the opportunity to add eligible elector to the Electors List during a defined enumeration period.
- Deputy Returning Office (DRO) module – provides the DRO the capability to manage the electors appearing at a manual polling location by providing a capability to lookup electors, review their status within the eVoting system and strike them off the official list when a paper ballot is issued.
- Candidate module – offers candidates the opportunity to review and track elector’s “attendance” whether they are using electronic voting or manual voting and assists them in “getting the vote out”.
- Voter module – facilitates electors casting their ballots using either a phone or an Internet enabled device.

The opportunity to provide your electors with the option of electronic voting is an important step in the evolution of democracy and will give electors the convenience of “Choice” in the method of casting their ballot in your election. Intelivote Systems has the experience and has laid the groundwork to ensure that when this step is taken it will be placed on a firm foundation.

## Electronic Voting – Services Table

There is a significant amount of flexibility in both the system capability and the methods by which an electronic vote can occur. Listed below are some of the most common features/services:

1. Voting will be enabled by implementation of the eVoting solution, (phone and Internet) allowing voting over a 7-12 (typically) day period, 24 hours a day.
2. The municipality will provide Voter Help Line services staffed by their personnel. Hours of operation will be determined by the municipality. Intelivote will train your staff to perform the service at no additional cost.
3. Creation and mail-out of the Personal Identification Numbers and Voter Instruction Letters by Canada Post required for electors to vote, will be provided based upon the Electors List provided by the client, through Elections Nova Scotia.
4. Internet and telephone voting are in English and French (if required).
5. All training for election personnel required to assist with the event.

### Services Pricing

Pricing ± to be adjusted based on Eligible Electors once the Final Voters List is produced.

Per Eligible Elector eVote Fee	Estimated # Eligible Members	Voter Letter Printing & Postage Rate
\$1.25	20,200	\$1.20
eVoting Costs Summary		
Intelivote eVoting Solution	Electronic voting using the Internet and telephone, provided to the list of eligible electors.	\$25,250
Voter Instruction Letter	Cost of creation, production, supplies for producing and mailing the Voter Instruction Letter. This is based on a single page letter with black & white print and includes the cost of Canada Post postage for the mail-out.	\$24,240
<b>Total</b>		<b>\$49,490</b>

Applicable taxes are additional

### Notes:

1. An Intelivote eVoting consultant/project manager is included in the services pricing and assigned to your event to assist and direct all aspects of your vote.
2. Training and support during the event are included in the price of the service.

**Base Services**

#	Base Fee Services Included	Description	Not Included
1	Multiple voting channels	Provides the elector with a choice of voting channel: internet, wireless device, and mobile or land line telephone. Includes the activities associated with the telecommunications setup for electronic voting; appropriate bandwidth; phone ports; website registration etc.	Elector equipment / hardware; equipment and internet connections for the Polling Stations (if required).
2	Voting event system setup	This eVoting system is fully configurable, facilitating a wide array of voting configuration options. All activity associated with configuring the event is included in the base service. This includes such activities as: candidate or question assignment; race and candidate name recordings; elector list management; secure ID and password management; configuring and loading races/questions (i.e. type of race, sequence and presentation display).	
3	PIN management	Intelivote Systems will generate the PINs using the eligible elector population to determine the required PIN length and to determine the number of additional PINs required as spares. A unique PIN will be created for each eligible elector based on the file provided by the owner of the list. In addition to the PIN, an eligible elector category is created and finally a file is produced suitable for production of voter instruction letters.	
4	Customization of voter instructions	Creation of the Voter Instruction Letter providing specific instructions on how to successfully use the electronic voting process.	
5	Customized welcome webpage	Generation of a customized webpage working with the client ensuring all legislative issues and association by-laws relating to voter notification are adequately addressed.	
6	Full enumeration capability	Provides the ability to add electors to the official electors list, assign the necessary categorization based on geography or local for example, and issue a PIN for voting purposes.	Equipment or hardware used by the returning officer or clerk. A standard PC with internet access is required.

#	Base Fee Services Included	Description	Not Included
7	Support module for Voter's HelpLine	The Voter HelpLine workers will have secure login access to the Voter HelpLine module. It provides a full set of features designed for agents to provide support to electors who may have questions regarding the event or issues relating to the elector profile, PINs, etc.	The Voter HelpLine Centre and the agents who staff it. Telecommunications costs for the Voter HelpLine. Equipment or hardware used by the staff. Standard PCs with internet access are required.
8	Event Official(s) management tools	The Event Officials will have a secure login which will allow for an up-to-the-minute view of critical eVoting data, required for the administration of the eVoting event.	Equipment or hardware used by the Event Official, standard PC with internet access is required.
9	Auditor control & management tools	The Auditor will have a secure login capability to audit the various processes as determined by the eVoting event authorities. They will have the capability to observe the voting event as it progresses, monitoring voting activity to the candidate level in a secure mode available only to them.	Equipment or hardware used by the Auditor. A standard PC with internet access is required.
10	Candidate 'Supporter Tracking' capability	Prior to and during the eVoting event, candidates will have the ability to identify their lists of supporters using a secure login in the Candidate module. During the voting period the candidate or approved designate can track the participation of supporters online.	Equipment or hardware used by the Candidate. A standard PC with internet access is required.
11	Reporting	A series of reports are available both during and after the voting event. These include vote results, audit reports, participation rate reports etc.	
12	Training	Training available on the features and use of the Auditor, CEO, Candidate, Enumeration, and Voter HelpLine modules. Training is normally provided via web training.	
13	Account Management	An experienced eVoting consultant, who assists with all aspects of the event and who is the single point-of-contact for the client.	



# Municipality of the District of Lunenburg

## Request for Decision

REPORT TO: Council  
SUBMITTED BY: Alex Dumaresq, Deputy CAO  
Chris Kennedy, Fire Services Coordinator  
DATE: June 9, 2020  
RE: Fire Department Ratepayer Meetings

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### RECOMMENDED MOTION

Move that Municipal Council waive the requirement that Fire and Emergency Services Providers hold a ratepayers meeting, as outlined in section 6 of Policy MDL 36, for the fiscal year 2020/21 for all departments not proposing an increase to their fire tax rate.

And

Move that Municipal Council authorize the Mayor to write to the Minister of Municipal Affairs requesting a ministerial order waiving the statutory requirement for fire departments incorporated via provincial legislation to hold a ratepayers meeting this fiscal year.

### BACKGROUND

MODL Policy MDL – 36 – Fire and Emergency Services, requires all fire departments to register annually with the Municipality. As part of the registration requirements, all departments wishing to provide fire or emergency services must:

- Hold a ratepayers meeting before June 15 annually (s. 6.7)
- Request a fire tax rate through MODL registration forms by June 15 (6.9)
- Submit all registration forms by June 15 (s. 4.1)

Due to the notification requirements associated with recommending a fire tax rate, these annual meetings normally take place in April. As part of MODL's efforts to slow the spread of the Corona virus, all public meetings and events held by the Municipality have been suspended, and Council has extended the registration deadline for fire and emergency services providers to August 15, to ensure departments did not have to hold a meeting in contravention of NS Public Health Guidelines.

After Council's decision to extend the registration deadline, the province issued a ministerial order covering a broad range of associations, including fire departments incorporated under the *Rural Fire District Act* (or special legislation). The Order provided 2 options for statutorily required meetings. First, the organization could elect to hold the meeting using a virtual platform (i.e. video or telephone) that otherwise followed the meeting requirements set out in their legislation. Second, the organization could elect to delay their meeting. Under this scenario, the meeting must still be held within 90 days of the lifting of the provincial state of emergency.

## **ISSUE**

Public, in person meetings are still not possible under the current public health guidelines, however, virtual meetings will be challenging for some of MODL's fire departments. High speed internet is not sufficiently widespread to ensure that eligible ratepayers can reliably connect to a video meeting. While teleconference meetings are still possible, this would pose a challenge for departments attempting to verify if call participants were eligible voters and would not permit for secret ballot voting on the rate. Due to the requirement of having the fire tax rates finalized before the preparation of the final tax bills, MODL does not have the option of further extending the deadline for fire department registration.

## **RECOMMENDATION**

Staff recommend that MODL waive the *municipal* requirement for ratepayers meetings, provided that departments are not seeking an increase in their fire tax rate. Registrations will still be required prior to August 15 as this provides valuable information to the Municipality. Fire department budgets will still be available upon request by a ratepayer in their respective fire districts. Waiving the municipal meeting requirement will address concerns around ratepayer meetings for more than half of the departments.

MODL is not capable of fully waiving the requirement for ratepayer meetings, because some departments are incorporated through provincial legislation. As a result, the recommendation will impact the two classes of departments differently.

### **Societies Act Departments**

- 1) If the department is incorporated as a society under the *Societies Act*, not via provincial legislation and is not increasing their rate, then no ratepayer meeting is required for this fiscal year.
- 2) If the department is incorporated as a society but is proposing a rate increase, then the department must hold a virtual ratepayers meeting prior to the municipal registration deadline of August 15, and generally complying with the requirements of Policy MDL-36.

### **Departments Incorporated via Other Provincial Legislation**

- 3) If the department is incorporated via provincial legislation and is not considering a rate increase, then MODL will not require a ratepayers meeting in advance of the August 15<sup>th</sup> deadline for registration. These departments should still comply with the provincial requirements for statutory meetings (i.e. hold a virtual meeting, or hold an in-person meeting within 90 days of the lifting of the provincial state of emergency), however, MODL will not be involved in ensuring compliance, which is a provincial matter.
- 4) If the department is a) incorporated via provincial legislation and b) is proposing a rate increase, then the department must hold a virtual ratepayers meeting prior to the municipal registration deadline of August 15, and generally complying with the requirements of Policy MDL- 36.

### **ALTERNATIVES**

- MODL could continue with the current extension and require ratepayer meetings in advance of the August 15<sup>th</sup> deadline. This is not desirable given the technical and logistical issues it will place upon the 26 registered fire and emergency services providers.
- MODL could waive the requirement to hold a ratepayers meeting regardless of the rate proposed by the department. This approach is not advised as Council would be responsible for fire tax rates that may have been increased without public discussion or review.
- MODL could not make any change to municipal procedures and undertake advocacy on behalf of the fire service to attempt to have a new ministerial order issued which would relieve departments of the requirement of holding a ratepayer meeting this fiscal year.