

Municipal Council Meeting AGENDA

Tuesday, January 26, 2021 – 9:00 a.m.

MODL Council Chambers - 10 Allée Champlain Drive, Cookville

1. CALL TO ORDER

1.1 Mi'kma'ki Territorial Acknowledgement

2. ANNOUNCEMENTS, ACKNOWLEDGEMENTS, RECOGNITION

3. APPROVAL OF AGENDA (as circulated)

4. APPROVAL OF MINUTES - Public Hearing and Council of January 12, 2021 and
Special Council of January 19, 2021

5. BUSINESS ARISING FROM MINUTES - Nil

6. AWARDING OF TENDERS/RFPs - Nil

7. PRESENTATIONS/SCHEDULED TIMES

7.1 Property Valuation Services Corp-Shannon Peterson & Paul Beazley 9:15 a.m. 1-18

8. CONSIDERATION OF CORRESPONDENCE - Nil

9. RECOMMENDATIONS FROM COMMITTEES & BOARDS

9.1 Policy & Strategy Committee

9.1.1 By-law 040A: Amendments to Private Roads By-law (2021)(19)20-52

9.1.2 Re-adoption MODL Policy 003 "Council Members' Remuneration &
Expense Policy(19)53-60

9.1.3 Re-adoption Audit Committee Terms of Reference(19)61-65

9.1.4 Re-adoption MODL Policy 077 "Gifts and Hospitality Policy(19)66-74

9.2 Fire & Emergency Services Committee

9.2.1 2021/2022 Fire Service Municipal Grants Budget 75

9.2.2 Recruitment and Retention Strategy 76-79

9.3 Nominating Committee

9.3.1 Appointments to Planning Advisory Committee 80

9.3.2 Appointments to Sustainability Committee..... 80

9.3.3 Nomination to Western Housing Authority Board 81

10. STAFF REPORTS

10.1 Administration Department

10.1.1 LaHave River Straight Pipe Replacement Program – Year 3 Update 82-86

MODL Council Agenda
January 26, 2021

11. MAYOR'S/DEPUTY MAYOR'S/COUNCILLORS' MATTERS

- 11.1 South Shore Regional Library Update – Councillor M. Greek
- 11.2 Deputy Mayor's Update
- 11.3 Mayor's Update

12. ADDED ITEMS

13. IN CAMERA - Nil

14. ADJOURNMENT

Council

Item: #7.1

Date: January 26, 2021

Authorization: T. MacEwan



2021 ASSESSMENT ROLL

DISTRICT OF LUNENBURG

JANUARY 26, 2021

PAUL BEAZLEY, REGIONAL MANAGER

SHANNON PETERSON, POLICY AND STAKEHOLDER RELATIONS ADVISOR

AGENDA

-
- Introduction to PVSC
 - Assessment Overview
 - CAP Overview
 - 2021 Assessment Roll
 - District of Lunenburg Assessment Profile
 - Inquiry & Appeal Period
 - Assessment Notice FAQs

INTRODUCTION TO PVSC

- PVSC = Property Valuation Services Corporation
- Independent, not-for-profit organization
- Created by the *Property Valuation Services Corporation Act* in April 2007
- Municipally funded and provides property assessment services as per the *Nova Scotia Assessment Act*

WHAT WE DO (& DON'T DO)

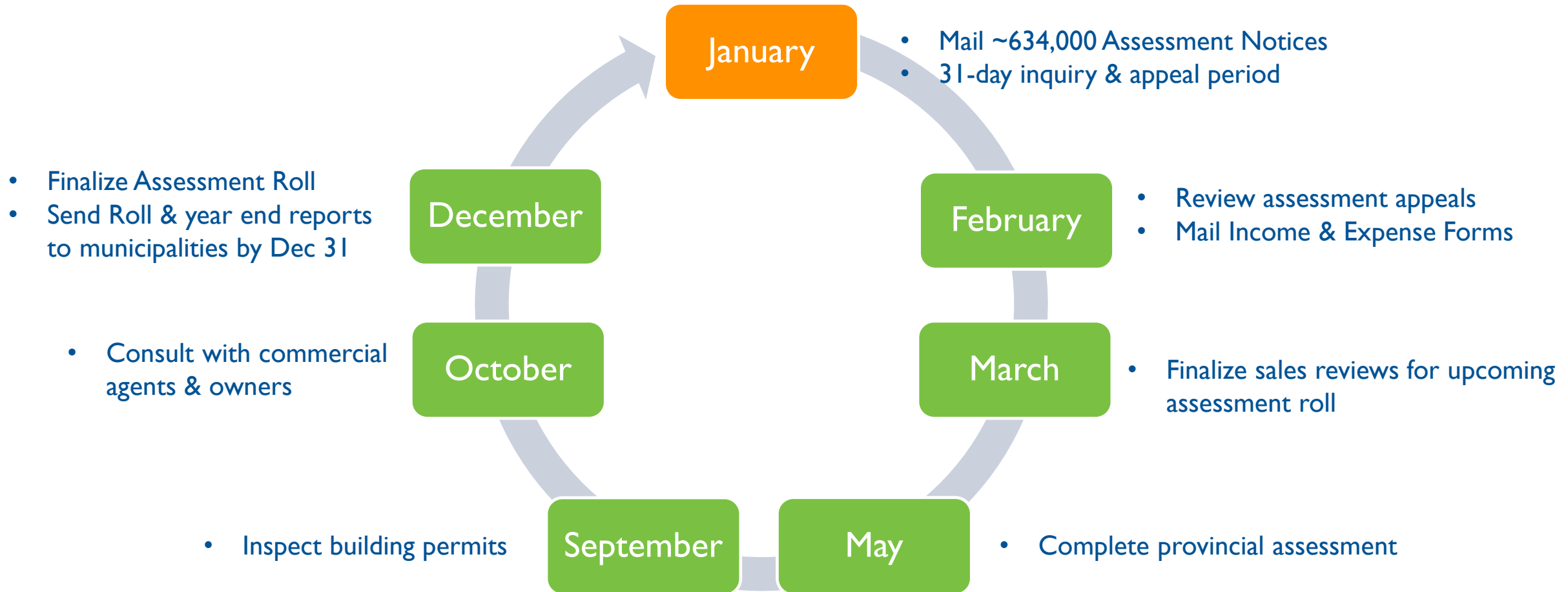
PVSC does:

- Deliver an Assessment Roll to all 49 Nova Scotia municipalities by December 31 each year
- Deliver ~634,000 Assessment Notices to Nova Scotia property owners each January
- Administer the Capped Assessment Program (CAP) for eligible residential properties on behalf of the Nova Scotia government

PVSC does NOT:

- Have the authority to:
 - Set tax rates
 - Collect taxes
 - Create tax policy or
 - Provide tax relief

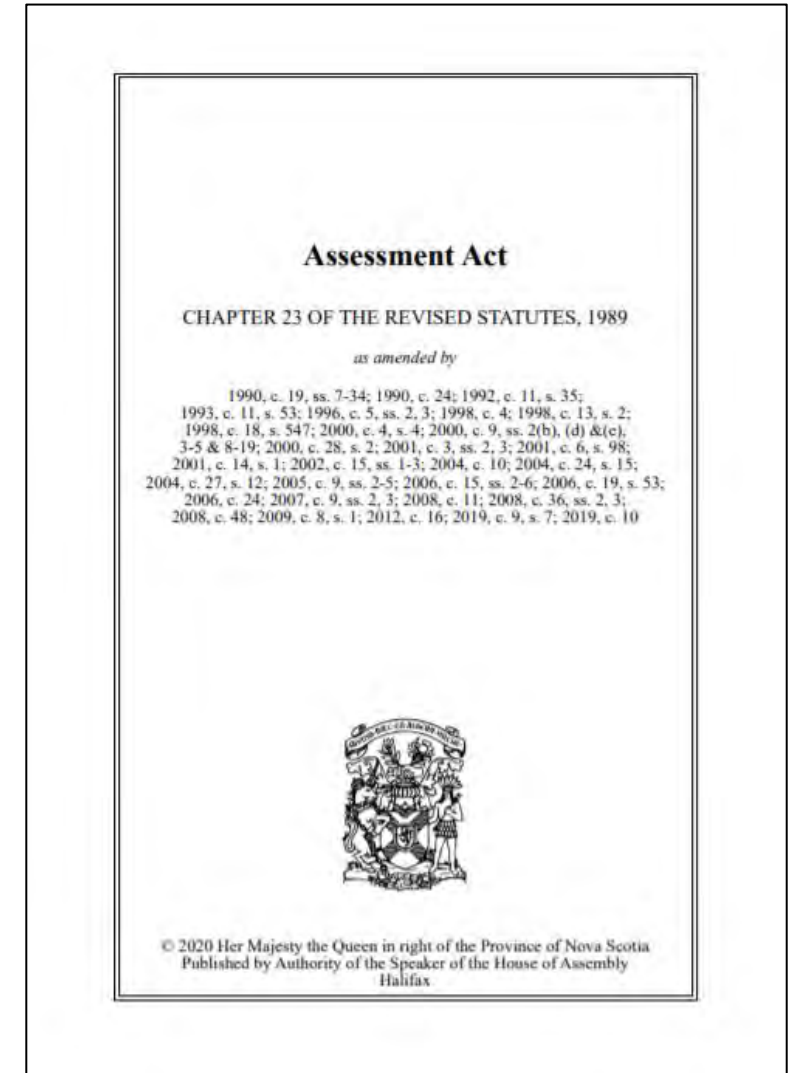
PVSC OPERATIONAL CYCLE



HOW WE DETERMINE PROPERTY VALUE

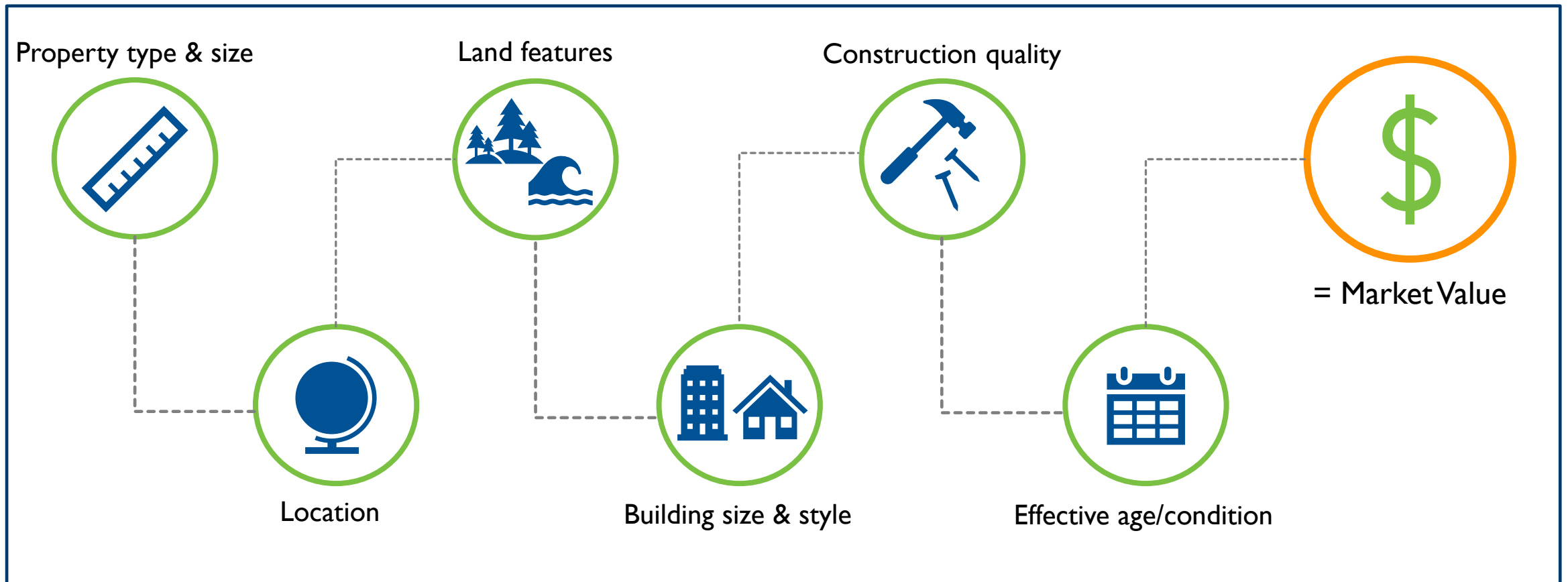
- The *Nova Scotia Assessment Act* requires that we assess property at **market value**:

“... the amount which in the opinion of the assessor would be paid if it were sold on a date prescribed by the Director in the open market by a willing seller to a willing buyer”



VALUATION DATA

What influences market value?



VALUATION DATA SOURCES

- Discussions with property owners
- NS Land Registry
- Sales reviews & real estate websites
- Building Permits
- Income & Expense Surveys
- Building cost data
- Aerial Photography
- Field inspections



MASS APPRAISAL

- PVSC uses mass appraisal to determine the value of all ~634,000 property accounts in NS
- We analyze a full year of sales data and a variety of property characteristics to determine property assessments based on market evidence

Mass Appraisal:
The process of valuing a group of properties as of a given date using common data, standardized methods and statistical testing

CAPPED ASSESSMENT PROGRAM (CAP) OVERVIEW

- Legislated by Section 45A of the *Nova Scotia Assessment Act*
- Administered by PVSC on behalf of the Nova Scotia Government
- ‘Caps’ the annual increase in taxable assessment for eligible residential properties to no more than the NS Consumer Price Index (CPI)
- Removed when a property is purchased, unless it was an eligible family transaction
- Placed back on the property after one year (if eligible)

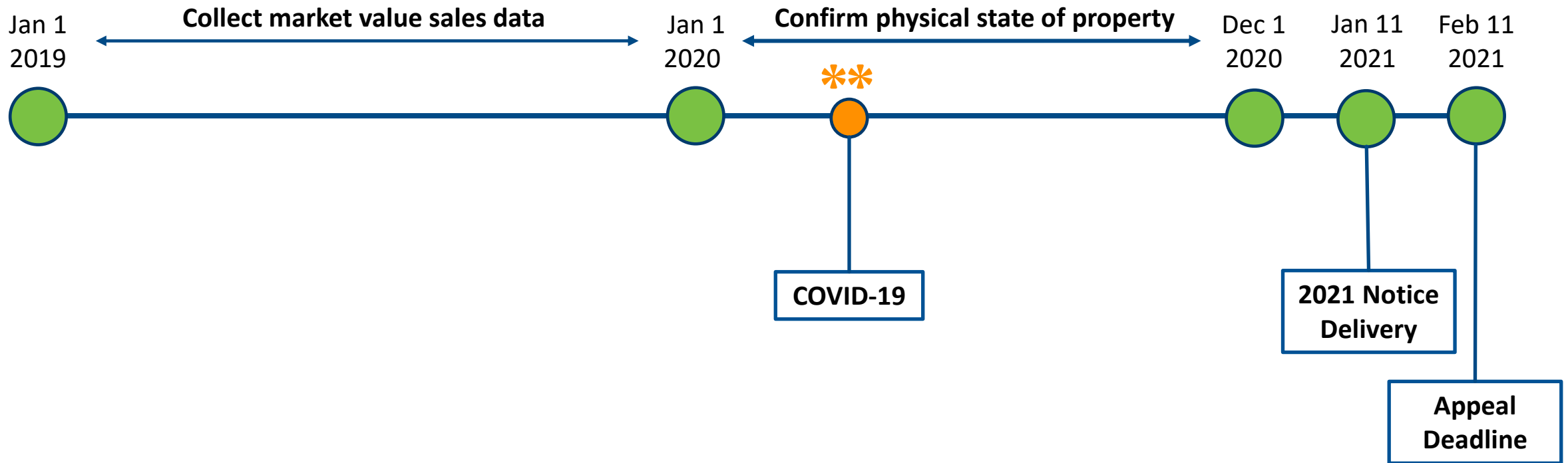
NS Consumer Price Index History:

2021 = 0.3%	2017 = 1.4%
2020 = 1.0%	2016 = 0.3%
2019 = 2.9%	2015 = 2.1%
2018 = 0.9%	2014 = 0.9%

CAP Eligibility Criteria:

- At least 50% owned by a NS resident
- Ownership retained within the family
 - Residential property
 - Less than 4 dwelling units

KEY DATES FOR 2021 ASSESSMENT ROLL



** 2021 Assessment Roll values pre-date COVID-19 market impacts

2021 ASSESSMENT ROLL – PROVINCE OF NS

Total Assessment Value:

\$114.6 Billion

NS Property Accounts:

634,350

2021 Assessment Roll Activity:

14,000 Permits

41,000 Sales

6,500
Appeals in 2020

29,500
Inquiries in 2020

Residential Assessment Value



\$89.9 Billion (Up 3.59%)

600,056 accounts

\$82.5 Billion with CAP

Commercial Assessment Value



\$24.8 Billion (Up 0.75%)

34,294 accounts

2021 ASSESSMENT ROLL – DISTRICT OF LUNENBURG

Total Assessment Value:

\$3.39 Billion

Lunenburg Property Accounts:

30,136

2021 Assessment Roll Activity:

974 Changes
from Permits

672
Sales

264
Appeals in 2020

1,635
Inquiries in 2020

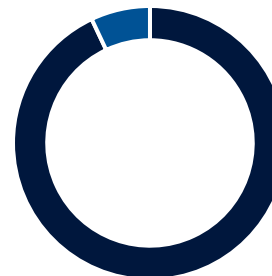
Residential Assessment Value



\$3.15 Billion (Up 2.74%)
29,049 accounts

\$2.86 Billion with CAP

Commercial Assessment Value



\$241.3 Million (Up 1.02%)

1,087 accounts

2021 DISTRICT OF LUNENBURG ASSESSMENT PROFILE

	2021	2020	\$ Change	% Change
All Residential Assessed Value	\$3,148,792,800	\$3,064,914,400	\$83,878,400	2.74%
Taxable Residential	\$3,010,080,100	\$2,927,942,400	\$82,137,700	2.81%
Exempt Residential	\$138,712,700	\$136,972,000	\$1,740,700	1.27%
Residential with CAP	\$2,864,969,600	\$2,798,942,900	\$66,026,700	2.36%
All Commercial Assessed Value	\$241,345,700	\$238,906,900	\$2,438,800	1.02%
Taxable Commercial	\$128,145,300	\$132,135,500	(\$3,990,200)	-3.02%
Exempt Commercial	\$113,200,400	\$106,771,400	\$6,429,000	6.02%

Total 2021 Assessment Roll **\$3,390,138,500**

INQUIRY & APPEAL PERIOD

- 31-day inquiry and appeal period:
 - **January 11, 2021 – February 11, 2021**
 - Appeals must be **received** by PVSC before midnight on February 11, 2021
- To help limit the spread of COVID-19, our offices are closed to public walk-ins
- Property owners are encouraged to review their Assessment Notice and contact PVSC with any questions
- Appeal forms are provided on the back of Assessment Notices
- Signed appeals can be submitted to PVSC by mail, fax, email or secure drop box

Phone: 1-800-380-7775

Email: inquiry@pvsc.ca

Mail: 6-15 Arlington Place
Truro NS, B2N 0G9

Fax: 1-888-339-4555
(within North America)

1-902-893-6101
(outside North America)

Secure Drop Boxes are located outside our offices in Dartmouth, Wolfville, Truro, Tusket and Sydney

ASSESSMENT NOTICE FAQ's

How do I
read my
Assessment
Notice?

Dwelling Unit(s): 1
Municipality: MUNICIPALITY OF PROPERTYVILLE

Property taxes will be based on *Taxable Assessed Value* (and/or Acres in the case of partially exempt forest property).

2020 PROPERTY ASSESSMENT		Chris Doucette for the Director of Assessment		
Classification	Assessed Value	Capped Assessment	Acres	Taxable Assessed Value
RESIDENTIAL TAXABLE	\$264,800	\$232,300		\$232,300
2020 TOTAL	\$264,800	\$232,300		\$232,300

Assessed Value = Market value as of Jan 1, 2020 & physical state as of Dec 1, 2020

Capped Assessment = Capped value of the property, if eligible

Taxable Assessed Value: Used to calculate property taxes (unless partially exempt forest property, calculated based on acreage) = **lower of Assessed Value or Capped Assessment**

ASSESSMENT NOTICE FAQ's

Can I get my assessment online?

The screenshot shows the Nova Scotia Property Assessment website. The navigation bar includes links for Home, How Assessment Works, Find an Assessment, Partners, FAQ, and About PVSC. Below the navigation bar, there is a section titled "Nova Scotia Property Assessment". On the left, there is a video player showing a mailbox with the number 20. Below the video, there is a text box that says "Did you know... Your 2020 property assessment is in the mail and available online?" with a "View Here" button. To the right of the video, there is a "Have a question?" section with a link to "Learn more...". Below this, there is a video player for "PVSC Introduction - H...". On the right side of the page, there is a "My Property Report" section. This section is circled in red. It contains a heading "My Property Report" with an icon of a laptop and a document. Below the heading, there is a text box that says "Log in below to view your 2020 assessment. The AAN and PIN Number can be found on your assessment notice. If you can't locate this information, please contact us." Below this text, there are input fields for "Assessment Account Number(AAN)" and "PIN Number". Below the input fields, there is a "Search" button. Below the "Search" button, there is a text box that says "Search for a property by address, Assessment Account Number or advanced search. Click here."

The screenshot shows the Nova Scotia Property Assessment website. The navigation bar includes links for Home, How Assessment Works, Find an Assessment, Partners, FAQ, and About PVSC. Below the navigation bar, there is a section titled "Advanced Search". This section is circled in red. It contains a heading "Advanced Search" with a "Print" icon. Below the heading, there is a text box that says "If the property you searched for displays an N/A in the criteria fields, it may mean information is either not available or not applicable. Please contact us at 1-800-380-7775 if you have any questions." Below this text, there is a text box that says "If you are having trouble finding a property, try selecting a different community:". Below this text, there is a "We are here for you" section with a "Have questions? Call us at 1-800-380-7775" link. Below this, there is a "Register for epost™ and receive your assessment notice online. Learn more" link. Below the register link, there are dropdown menus for "Municipality" and "Community". Below these dropdown menus, there are input fields for "Assessment range", "Sale price range", "Sale date from", and "Sale date to". Below the input fields, there is a radio button for "Residential" and a radio button for "Commercial". Below the radio buttons, there is a "Search" button.

THANK YOU!



Property Valuation Services
Corporation

A truly valued Nova Scotia

1-800-380-7775

www.pvsc.ca

inquiry@pvsc.ca



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Administration

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

January 19, 2021

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

Dear Mayor and Councillors:

The Policy & Strategy Committee, in session on Tuesday, January 19, 2021, made the following recommendations to Council:

1. That Municipal Council gives notice of its intention 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 and conduct First Reading of same; and further, that Municipal Council gives Notice of Second Reading to consider the adoption of By-law 040A.
2. That Municipal Council re-adopt MODL Policy 003 "Council Members' Remuneration & Expense Policy".
3. That Municipal Council re-adopt the Audit Committee Terms of Reference as presented.
4. That Municipal Council re-adopt MODL Policy 077 "Gifts and Hospitality Policy".

Respectfully submitted,

Chairman and Members
Policy & Strategy Committee

/jp
Attachments



Municipality of the District of Lunenburg
Request for Decision

COPY

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 fail 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	February 25, 2020
Date of Advertisement – Notice of Intention	May 20, 2020
Date of Second Reading	June 9, 2020
Date of Advertisement of Adoption of By-law*	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

Council
Item: # 9.1.2
Date: January 19, 2021
Authorization: T. MacEwan



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Administration

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

Memorandum

To: Mayor Bolivar-Getson & Councillors

From: Sherry Conrad, Municipal Clerk

Date: January 19, 2021

Re: **Re-adoption of MODL Policy 003 "Council Members' Remuneration & Expense Policy"**

Subsection 23(7) of the *Municipal Government Act* (MGA) 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 re-adopt them as amended".

The Policy & Strategy Committee, in session on January 19, 2021, reviewed MODL Policy 003 as required and made a motion recommending that Council re-adopt the Policy and gave seven days' notice of Council's intention to re-adopt the Policy at its Council meeting on January 26, 2021.

Seven days' notice is required to be given to Council before a policy is re-adopted. The Policy & Strategy Committee meeting of January 19, 2021 was considered as Council's notice.

If Council agrees with the recommendation of the Policy & Strategy Committee, the following motion is required:

"that Municipal Council accept the recommendation of the Policy & Strategy Committee and re-adopt MODL Policy 003 "Council Members' Remuneration & Expense Policy".

/sac



Municipality of the District of Lunenburg
Request for Decision

COPY

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

COPY

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

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4

Administration

Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

Memorandum

To: Mayor Bolivar-Getson & Councillors

From: Sherry Conrad, Municipal Clerk

Date: January 19, 2021

Re: Re-adoption of MODL Policy 077 "Gifts and Hospitality Policy"

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

The Policy & Strategy Committee, in session on January 19, 2021, reviewed MODL Policy 077 as required and made a motion recommending that Council re-adopt the Policy and gave seven days' notice of Council's intention to re-adopt the Policy at its Council meeting on January 26, 2021.

Seven days' notice is required to be given to Council before a policy is re-adopted. The Policy & Strategy Committee meeting of January 19, 2021 was considered as Council's notice.

If Council agrees with the recommendation of the Policy & Strategy Committee, the following motion is required:

"that Municipal Council accept the recommendation of the Policy & Strategy Committee and re-adopt MODL Policy 077 "Gifts and Hospitality Policy".

/sac



Municipality of the District of Lunenburg
Request for Decision

COPY

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



Municipality of the District of Lunenburg

10 Allée Champlain Drive, Cookville, Nova Scotia, Canada, B4V 9E4
Phone: 902.543.8181 Fax: 902.543.7123 Web Site: www.modl.ca

January 12th, 2021

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

Dear Mayor and Councillors:

Re: FIRE SERVICE MUNICIPAL GRANTS BUDGET – 2021/2022

The Fire & Emergency Services Committee, in session on Monday, January 11th, 2021, made the following recommendation to Council:

That Municipal Council approve a 2% increase (which totals \$3,670) over the 2020/2021 grant amounts with the 2021/2022 fiscal year grants being:

Matching Grant	\$ 43,250.00
Municipal Grant	\$ 65,390.00
Training Grant	\$ 11,120.00
Insurance Grant	\$ 55,190.00
Personnel Insurance Grant	<u>\$ 11,120.00</u>
Total Grants	\$186,070.00

Respectfully submitted,

Chairman and Members
Fire & Emergency Services Committee



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January 12th, 2021

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

Dear Mayor and Councillors:

Re: RECRUITMENT AND RETENTION STRATEGY

The Fire & Emergency Services Committee, in session on Monday, January 11th, 2021, made the following recommendation to Council:

That Municipal Council accept the Fire Recruitment and Retention Strategy, as discussed, for the 2021/2022 fiscal year:

- 1. Maintain the investment in the marketing campaign - \$10,000 annually;**
- 2. Invest in an enhanced Member and Family Assistance Program for active firefighters - \$12,500 annually (budgeted figure);**
- 3. Invest in an application-based grant for leadership courses for executives and officers - \$7,500 annually;**
- 4. Establish a simple, application-based grant of \$25 per firefighter/volunteer to hold an annual recognition event per station - \$15,000 annual budget.**

Respectfully submitted,

Chairman and Members
Fire & Emergency Services Committee

Attachment



Municipality of the District of Lunenburg

Request for Decision

REPORT TO: Fire and Emergency Services Committee
SUBMITTED BY: Chris Kennedy, Fire Services Coordinator
Sarah Kucharski, Communications Officer
DATE: January 11, 2021
RE: Discussion and Direction re: Recruitment and Retention Strategy

MOTION

Move that the FESC recommend to Council that the Fire Recruitment and Retention Strategy for the 2021/22 fiscal year be revised as discussed.

RECOMMENDATION

1. Maintain the investment in the marketing campaign (\$10,000 annually).
2. Invest in an enhanced Member and Family Assistance Program for active firefighters (\$12,500)
3. Invest in application-based grant for leadership courses for executives and officers (total annual budget: \$5,000)
4. Establish a simple, application-based grant of \$15 per firefighter/volunteer to hold an annual recognition event per station (total annual budget: \$10,000).

BACKGROUND

Recruiting and retaining active volunteers for the Fire Department has been a long running issue across Nova Scotia. The issue has been raised in discussion with departments, at LRFES meetings and at some FESC meetings in the past. Some of the issue stems from demographic trends affecting our county, including slow or no population growth in communities, and the aging population; however, there are also some concerns related more specifically to the fire service.

The provision of fire and emergency services through volunteer departments is a critical part of MODL's protective services and provides an invaluable resource to our communities. As a result, Council understands the value of a strong fire service that has high levels of volunteers.

Council identified recruiting and retaining firefighters as a strategic priority in 2017/18, and has carried this strategic priority forward in subsequent years.

The Fire & Emergency Services Committee (FESC) subcommittee on Recruitment and Retention worked closely with MODL’s Communications Officer and Fire Service Coordinator to develop a comprehensive, evidence-based Recruitment and Retention Strategy that had the following primary elements:

- Marketing Campaign
- Introduction of Member and Family Assistance program (MFAP) Benefits
- Annual Recognition Event

DISCUSSION

Since the adoption of the Recruitment and Retention Strategy in 2019, we have:

- Implemented the marketing campaign.
- Introduced a basic stress management MFAP as part of our insurance program.
- Delayed holding the annual recognition event. The event was not held in the first year as we were not able to pull together the resources for an event, and in 2020 plans were cancelled due to Covid-19 gathering restrictions.

The entire program budget was estimated to be \$56,000 for year one and \$40,000 for year two. However, significant adjustments were made changing the budget for the project. First, through the introduction of a group personnel insurance program for firefighters and enrollment in Workers Compensation Board (WCB) coverage (net annual cost to the municipality of \$40,000), MODL was able to secure basic MFAP benefits, originally eliminating the need for the estimated \$16,000 budget in this project’s budget. Upon further review, it is our belief that the basic MFAP benefits offered by the insurance company do not meet the spirit of the discussion held by FESC during the creation of this Strategy, and we are recommending improving this service.

In addition, the additional staff resource of \$22,000 for year one was not required, and the work was completed by MODL staff, and covered through the MODL budget.

The marketing expenses totaled \$10,000 a year. This included an annual recruitment focused Fire Services newsletter distributed to every household in the Municipality, radio ads, newspaper ads, social media ads, and presence at events (prior to Covid-19).

RESULTS

2017	2018	2019
588 FF, 30 JR FF	581 FF, 34 Jr FF	592 FF, 32 Jr FF

Marketing campaigns that require behaviour change (motivating residents to volunteer for the Fire Service) can take years to yield results, and we feel it would be premature to say whether the recruitment campaign elements have had an impact on recruitment.

We recommend the following changes to the program:

1. Maintain the investment in the marketing campaign (\$10,000 annually).
2. Invest in an enhanced Member and Family Assistance Program for active firefighters (\$12,500)
3. Invest in application-based grant for leadership courses for executives and officers (total annual budget: \$5,000)
4. Establish a simple, application-based grant of \$15 per firefighter/volunteer to hold an annual recognition event per station (total annual budget: \$10,000).

BUDGET IMPLICATIONS

The recommendations would result in a budget of \$42,500 for the 2021/22 fiscal year.

STRATEGIC PLAN

Council identified recruiting and retaining firefighters as a strategic priority in 2017/18, 2018/2019 and 2020/2021. It is expected that this priority will carry forward to the 2021/2022 priorities.

ALTERNATIVES

- MODL & FESC could work with an external consulting company to develop leadership training.
- MODL could organize a large recognition event once per year (assuming gathering limits are lifted).
- Keep the stress management option, and not procure a more comprehensive Member and Family Assistance Program.

Department: Administration

Report Prepared By: Sarah Kucharski

Date: January 6, 2021

Report Approved By: Alex Dumaresq

Date: January 6, 2021

Reviewed By CAO:

Date:

Council

Items: #9.3.1 and 9.3.2

Date: January 26, 2021

Authorization: T. MacEwan



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January 15, 2021

To Mayor Bolivar-Getson and Municipal Councillors

Dear Council:

The Nominating Committee met on January 15, 2021 and made the following recommendations to Council:

1. "that Municipal Council re-appoint to the Planning Advisory Committee April Whynot Lohnes for a 1-year term, expiring November 2021; appoint Kathleen Long Grey for a 1-year term; expiring November 2021; and Larry Hagell for a 2-year term, expiring November 2022."
2. "that Municipal Council appoint to the Sustainability Committee: Rebeca MacInnes as the Business Person and Katherine Barrett, both for 2-year terms, expiring November 2022; and Karley Hewitt and Deborah Connor, both for 1-year terms, expiring November 2021."

Respectfully submitted,

Chairman & Members
Nominating Committee

Council
Item: #9.3.3
Date: January 26, 2021
Authorization: T. MacEwan



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January 15, 2021

To Mayor Bolivar-Getson and Municipal Councillors

Dear Council:

The Nominating Committee met on January 19, 2021 and made the following recommendation to Council:

“that Municipal Council approve the nomination of Edward Crossland as the Municipality of the District of Lunenburg’s representative on the Board of the Western Regional Housing Authority for a 3-year term and to submit the name to the Province for consideration of the appointment”.

Respectfully submitted,

Chairman & Members
Nominating Committee



Municipality of the District of Lunenburg

Report to Council

Report To: Council
Submitted By: LaHave River Project Management Team
Date: January 26, 2021
Re: LaHave River Straight Pipe Replacement Program – Year 3 Update

RECOMMENDED MOTION

Move that Municipal Council approve a one-year extension of RFP 2019-05-405 2020 On-Site Sewage Disposal System Installations for LaHave River Properties to Dennis Lively Construction and Backhoe Services Inc. as per the cost proposal submitted for the 2019/2020 fiscal year.

EXECUTIVE SUMMARY

Council established a goal of eliminating all straight pipes from the lower LaHave River by 2023. Following the third year of septic installations under the LaHave River Straight Pipe Replacement Program (Program), a total of 224 systems have now been installed. The Program remains on track to be completed before the funding deadline and remains within the original funding application budget.

One of the benefits of a multi-year program is the ability to evaluate our methodologies annually and find more effective ways of administering the Program.

This report outlines the progress of the program to date, discusses participant concerns and procurement, and recommends that council extend the current contract with Dennis Lively Construction and Backhoe Services Inc. for 2021 septic installations.

BACKGROUND

Water quality in the LaHave River Estuary has been a longstanding issue in the Municipality. A 1993 survey identified over 800 straight pipes from along the estuary. In June of 2016, after extensive public engagement, council made application to the Federal and Provincial Government for funding to replace straight pipes in the Lower LaHave River. Also in 2016, a

private donor committed \$1 million in funding towards the Program. After some extended negotiations, a three-government funding agreement and an MOU with Nova Scotia Environment regarding enforcement were secured to allow the project to proceed, and the municipality launched the replacement program during the 2018 construction season. Council created the *LaHave River Wastewater Management District (WWMD)* Bylaw to establish the program and the relevant authorities. This report satisfies the annual requirement for reporting on the progress of the Program.

PROGRAM STATUS

Installations

The Municipality set a goal of 150 system installations in the first two years of the Program with a projected seventy-five (75) systems to be installed in both 2018 and 2019. For year 3 of the program, the installation target was set at 70. As of December 2020, these targets were achieved:

- 224 systems have been awarded under the procurement program
- 224 systems have been installed
 - Year 1 – 77 installations
 - Year 2 – 73 installations
 - Year 3 – 74 installations

Total Number of Straight Pipes

The original 1993 study estimated there were 800 straight pipes in the WWMD. The Program was designed with an estimate of 600 straight pipes. Extensive efforts have been required to identify what properties have straight pipes. At the beginning of the replacement Program, there were over 400 properties where the municipality could not locate information to confirm if there were appropriate systems in place, and the property owner had not responded to inquiries. Over the past two years, staff have reduced these “No Response” properties considerably, leaving only forty-nine properties we have yet to hear from. Table 1 below summarizes the information available for each property located within the WWMD boundary:

Owner Response	#	%
Qualify for Program	343	20%
Confirmed System	1189	68%
Require inspection	87	5%
No Response	49	3%
Waiting on Results	68	4%
Total	1736	100%

Table 1: WWMD Property Status

Inspection Program

The Inspection Program was launched in early 2019. This Program has assisted in determining the number of installations required to replace all straight pipes. A total of 764 inspections were completed between 2019 and 2020 leaving under 150 inspections for this coming 2021 season. Of the inspection reports received, 21% of properties qualify for the program, 71% have systems, and 8% are inconclusive (further follow up required to determine eligibility).

Expenditures

One of Council's key priorities for this Program is to remain within the application budget. The Program has successfully remained underbudget for all three years of the Program.

Table 2 below illustrates actual costs in comparison to budgeted amounts. Total year 3 expenditures and forecasted budgeted figures were \$1,823,534 and \$1,892,032 respectively (based on 74 installs) providing a savings of just over \$68,000.

Item	Application Budget (Year 3)	Actual Costs (year 3)
Design (per system)	\$ 1,803.00	\$ 995.00
Installation (per system)	\$ 18,307.00	\$ 18,345.00
Property Restoration (per system)	\$ 753.00	\$ 388.00
Education and Awareness (annual)	\$ 21,224.00	\$ 21,224.00
Project Management (annual)	\$ 96,253.00	\$ 115,000.00

Table 2: Year 3 Budget Overview

Overall Status

Based on the number of installations, project costs compared to budget, and the number of substantive complaints received, we can continue to regard the program as successful. 224 systems have been installed to date, keeping us within our goals for years 1 -3 of the Program. The Inspection Program has been successfully implemented for two seasons with 764 inspections completed, and we have kept expenditures within the application budget.

DISCUSSION TOPICS

Participant Concerns

Property restoration continues to be the primary source of issues for residents participating in the program. The addition of a landscape standard following the first installation season and making the move to secure a single quality installer for year 3, has resulted in a significant

reduction in complaints. Most of the criticisms received this season were from property owners who did not have the ability to water their new grass seed as required due to having limited or no water supply during periods of summer drought. As we move into year 4 of installations, we will continue to work with our contractors to select the best products for restoration in an effort to minimize this burden for the property owner.

Given the major changes we impart on each property under the program, it is expected that end-product aesthetics will continue to be the number one concern of participating property owners.

Procurement

For the first two years, all installation work was procured through tendering in bundles of up to ten (10) installations at a time. Throughout the two seasons of tendering, it was noted that there was a lack of interest within the installer community to bid on these small bundles. The average number of installers bidding in each season was three per bundle with some tenders only receiving one or two bids. While the tender model did create an environment for competition between bidding firms, it produced issues for project management. Quality of installation work varied by bundle, which contributed to resident concerns with aesthetics and functionality. In addition, the traditional tendering approach did not allow MODL to evaluate submissions based on capacity to complete the work within specified timelines. There was also a high administrative burden during the construction season stemming from the multiple bundle approach. In a small number of instances, the sub-par quality of a low bid installation damaged the Municipality's reputation and required much effort and cost to correct deficiencies and manage resulting homeowner issues.

Based on the issues we encountered with the quality of work by tendering to various contractors and costs associated with same, Council approved staff to issue a Request for Proposal (RFP) and secure one proponent to install all on-site sewage disposal systems for year 3. The evaluation of the proponent was based not only on cost, but also on factors such as capacity to complete multiple concurrent installations, qualifications, references, and experience. Three bids were received and evaluated by the Project Management Team. In winter of 2020, the Municipality issued a one-year contact for all year 3 installations to Dennis Lively Construction and Backhoe Services Inc. (Lively's).

Following the completion of this past construction season with Lively's, all the predicted benefits of moving to a single installer model have been realized, including some which were unforeseen. On top of reducing administration requirements during peak season and seeing consistency in pricing and quality, we have also been able to improve budget estimates for homeowners prior to installations as costs are known well in advance as they are based on system type. This has also enabled us to improve our annual forecasting for the overall Program budget. With a single installer, we have increased flexibility with scheduling site works which is an important factor when working on such a high volume of properties.

The RFP contract was written such that it could be extended for up to two additional years if the Municipality is pleased with the contractor's performance. It is the recommendation of the Project Management Team that the contract with Lively's be extended for Year 4 of the Program. On top of sourcing all materials and labourers locally, Lively's provides exceptional value, is consistent in performance, professional, and has many skilled operators and foreman who are dedicated to the work of the Program. Despite a very delayed start to the construction season resulting from COVID-19, Lively's, who averages two days to install a system, was still able to exceed the targeted number of installations. Year 4 is a critical year as we hope to install our highest volume of systems to date. Due to the organizational strength of Lively's, the Project Management Team is confident that they can successfully achieve these aggressive targets without sacrificing quality.

Year 4 – Expectations & Goals

The goals for year 4 are as follows:

- Complete all outstanding inspections
- Install between 75-100 systems
- Remain within the application budget

SUMMARY

Over the course of the first three installation years, the LaHave River Straight Pipe Replacement Program has remained on schedule and under budget, installing 224 systems and completing 764 inspections. Given the percentage of properties qualifying for the Program from inspections completed to date, we know that the Program size will remain well within the 600-property estimate used for the funding application.

The number one concern of property owners participating in the Program has been the end-product aesthetic following installations. Due to the nature of the Program. This is unlikely to change. We will continue to work towards improvements and ensure we are focused on positively managing homeowner expectations.

During our third year of construction, procurement for installations moved away from small tender bundles to an RFP whereby a single installer was selected. This resulted in reduced administrative burden and consistency in quality, cost, and homeowner experience. The Project Management Team recommends that Council exercise the option under the existing RFP and extend the contract with Dennis Lively Construction and Backhoe Services Inc. for an additional one-year period.