

**Cape Breton Regional Municipality**

**Charter Ad Hoc Committee**

**AGENDA**

**Thursday, February 24, 2022**

**9:30 a.m.**

**Via Video Conferencing**

**Committee Members:**

**Deputy Mayor Earlene MacMullin  
Councillor Cyril MacDonald  
Councillor Steve Gillespie  
Councillor Darren O'Quinn  
Councillor Lorne Green**

**NOTE: All members of Council are invited and permitted to participate in this meeting.**

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### **AGENDA**

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1. **Selection of Chair:** Deborah Campbell Ryan, Municipal Clerk
  
2. **Selection Vice Chair**
  
3. **Roll Call**
  
4. **Approval of Minutes:** (previously distributed)
  - September 20, 2018
  
5. **Approval of Agenda:** (Motion Required)
  
6. **“Municipal Charter Discussion”:** Presentation by Department of Municipal Affairs - September 2018 (See Page 3)
  
7. **“What do we want to do tomorrow that we can’t do today?”:** Suggestions re: CBRM Charter Powers – Marie Walsh, Chief Administrative Officer, and Chair (See Page 10)
  
8. **Next Steps:**
  - Representative from Department of Municipal Affairs and Housing to provide overview of *Municipal Government Act* Review (timelines and public consultation)

### **Adjournment**



# Municipal Charter Discussion

For CBRM Council – September 2018



# What is a municipal charter?

- A municipal charter is a provincial law that applies to a specific municipality
- A municipal charter may operate as a complete or partial substitute to the general law that applies to municipalities in the province
- A municipal charter is commonly in the form of an Act (law made by the Legislature), but may be in form of a regulation (law made by Cabinet or Minister who has been delegated law-making power).

# Current legislative model in NS

## **Municipalities other than HRM (including CBRM and RQM)**

- Powers and responsibilities come from the *Municipal Government Act*

## **Halifax Regional Municipality**

- Powers and responsibilities come from the *HRM Charter*
- Foundation of the *HRM Charter* is duplication of the MGA with some variations specific to HRM
- Some provisions of *MGA* still apply to HRM and are not duplicated in the *HRM Charter* (ex. Deed transfer tax, boundary determination, FOIPOP).

# What does a municipal charter do?

- A charter allows for customization of the powers and responsibilities of the affected municipality
- There are various reasons why a municipality may need customized powers and responsibilities. Most common is the size and complexity of the municipality.
- Success of a charter to address a municipality's issues depends on what is in the Charter – getting the customization right!

# What's in a name? "Act" vs "Charter"

- In modern terms, a municipal charter (ie provincial law applying to a specific municipality) may still use "Charter" in the title and or may just say "Act"
  - Ex. "City of Winnipeg Charter", "City of Toronto Act"
- The word used in the title of the law is not that important. It's the content of the law that matters!

# Government Process

We are here!

- **Policy Work – proposal, rationale, options and justification to be completed**
- Check in with Government – Government Priorities and Legislation Committee
- Executive Council – For review and approval in principle before advancing to the Legislature
- Drafting Instructions – DMA and Justice will work together to develop drafting instructions for consideration and Justice staff craft legislation
- Drafting and Tabling – Legislation is drafted and tabled for debate and approval by the Legislature

# Objective for today – Policy Development

Exercises for the day:

- Developing what you want to do through legislation
  - That cannot be done now
- Articulating “why”
  - Why do you want it?
  - Why is it special to the CBRM?

From Planning & Finance:

1. Just as the Municipal Government Act currently allows for business developments in areas designated in a Planning Strategy (e.g. a Central Business District), enable the adoption of a district improvement bylaw for new, or significant renovations or additions to existing residential development that provides a tax incentive which only incrementally increases to the normal level over a several year period based on the increased assessment.
2. Section 265 of the Municipal Government Act gives municipalities the authority to place a 1<sup>st</sup> lien on a property if and when the Municipality must complete certain aspects of a site plan in a development regulated by Site Plan Approval. This provision doesn't conclude with the statement "... and may be collected in the same manner as other taxes" that is used to clarify the authority of other liens (e.g. Section 63 (7)). We are asking that the Charter have a provision that makes it clear the expenses incurred by the CBRM for finishing such site plan work are considered taxes owing and to be subject to Section 134 of the MGA.
3. More flexibility in public notification process for zoning amendment Public Hearings that would include the Internet (e.g. e-mails) social media, and Canada Post, (Section 206 of the MGA)
4. Enabling the imposition of an additional tax on properties deliberately being kept vacant for defined periods of time in areas designated in a Planning Strategy
5. Enabling the issuance of Summary Offence Tickets for certain Land Use Bylaw violations
6. Enable the use of the Internet and Email to serve legal notices
7. Enable an exception clause that waives the wait time requirements for a tax sale auction currently described in Section 134 of the MGA if the assessed owner of the property formally (in a signed letter) agrees. The purpose of this provision is to enable quick re-entry into the assessment roll.
8. Enable CBRM to disqualify the owner of a tax sale property that is being auctioned pursuant to Section 134 (3) from bidding for the property if the starting bid is less than the taxes, interest, and expenses incurred. The disqualification would also extend to include any corporation or other legal entity that the property owner who did not pay their taxes is associated with.
9. "Similar to or compatible with" provisions.
10. More discretion for variances.

Continued...

Other Staff Input:

- A. Assessment CAP – legislation to allow Pilot Project for CBRM
- B. Special taxing authority for Condos
- C. **Section 19(2)** of MGA: add notation at the end of that sentence re: Notice of In Camera Meetings” ...including closed sessions.”
- D. **Section 22(2):** (in camera meetings) – add clause for meetings relating to economic development; and add a sub-section (i) similar to HRM Charter [Sec. 19(2)(i) below]:
  - (i) any subject, the discussion of which could, in the opinion of the Council or Committee, as the case may be, violate the confidentiality of information obtained from
    - (i) the Government of Canada or the Government of the Province,
    - (ii) an agency of the Government of Canada or the Government of the Province, or
    - (iii) a public body.
- E. **Advertising:** allow municipalities to advertise notices for bylaws (Sec. 168-169), street closings (Sec. 315), zoning changes, etc. by other means (i.e. website, social media, etc.) – see Section 4 of Planning Comments.

Viability Study – Recommendations requiring Legislative Changes:

- i. Explore the benefits and drawbacks of transitioning to a municipal structure consisting of three districts
- ii. Explore potential solutions to expedite the processing of delinquent and abandoned properties
- iii. Implement property tax incentives for urban residential development
- iv. Continue to explore alternate revenue sources
- v. Explore feasibility of multiple commercial tax categories or lowering commercial tax rates
- vi. Explore applying marketing levy to AirBnB style rentals
- vii. Utilize NSFMM to work with other municipal governments and the Province on a strategy to amend the CAP (see above re: CAP)

