

Cape Breton Regional Municipality

Emergency Council Meeting

per Section 19(3) of the *Municipal Government Act*

AGENDA

FRIDAY, MARCH 27, 2020

11:00 A.M.

**VIA
VIDEO/TELECONFERENCING**

Cape Breton Regional Municipal Council

Emergency Council Meeting

Friday, March 27, 2020
11:00 a.m.

Via
Video/Teleconferencing

AGENDA ITEMS

Meeting Notice from Mayor's Office (See page 3)

1. APPROVAL OF AGENDA: (Motion Required)

2. Deferral Measures in Response to COVID-19: Jennifer Campbell, Chief Financial Officer (See page 5)

3. Provincial Infrastructure Funding – Cape Breton Regional Municipality
Letter from Honourable Lloyd Hines, NS Minister of Transportation & Infrastructure Renewal: Mayor Cecil P. Clarke (See page 6)
 - a) \$97,895,547 Wastewater Treatment Infrastructure
 - b) \$47,500,000 Underground Infrastructure

ADJOURNMENT

MEMORANDUM - MAYOR'S OFFICE

DATE: March 26, 2020
TO: CBRM Municipal Clerk
FROM: Mayor Cecil P. Clarke
RE: Notice of Emergency Meeting of Council for Financial Measures

Dear Madame Clerk:

Pursuant to Part I, Section 19 (3) of the *Municipal Government Act* (MGA), I am hereby calling an Emergency Meeting of Council for Financial Measures at 11:00 a.m. on Friday, March 27, 2020. The CBRM shall comply with the Municipal Affairs Minister's directive issued on March 22, 2020 (see attached).

This meeting will be conducted by video conference; however, efforts are being made to broadcast audio through our Council live-stream.

Agenda items are:

1. Deferral Measures in Response to COVID-19;
2. \$97,895,547 Wastewater Treatment Infrastructure;
3. \$47,500,000 Underground Infrastructure.

Further, please be advised that the date for the 2020-21 operating and capital budgets will be scheduled once we receive confirmation of provincial and federal response initiatives, expected in the coming days.

Sincerely,

Original Signed By

MAYOR CECIL P. CLARKE

c: All Council
Directors
Attachment - 1

**Direction of the Minister
under a Declared State of Emergency**
(Section 14 of the *Emergency Management Act*, the *Municipal Government Act*, and *Halifax Regional Municipality Charter*)

During the Provincial State of Emergency declared on March 22, 2020, and under the authority provided to me in Section 14 of *the Emergency Management Act*, in addition to any other directives I have issued, and as Minister of all municipalities, I direct all municipalities and villages in the Province, including the Halifax Regional Municipality, to:

1. **Effective at 2 pm on March 22, 2020**, discontinue holding their meetings in person, instead only virtual meetings may be held by video or telephone. Those virtual meetings must be recorded, and the minutes posted on a public website within 24 hours of the meeting.

Despite this direction, municipalities and villages are still authorized to continue making other operational decisions especially those required for service delivery.

Please note that these directions are in addition to any requirements established in a Medical Officer's order under the *Health Protection Act*.

A failure to comply with this direction could result in a summary conviction with fines between \$500 to \$10,000 for individuals and up to \$100,000 for a corporation per incident.

This direction will remain in place for the duration of the Provincial State of Emergency unless it is terminated in writing by me earlier.

Dated March 22, 2020.

ORIGINAL SIGNED BY

Hon. Chuck Porter
Minister of Municipal Affairs and Housing



CBRM

A Community of Communities

Cape Breton Regional Municipality

Issue Paper

Date: March 25, 2020
To: Mayor and Council
From: Jennifer Campbell, CPA, CA Chief Financial Officer
Re: Deferral Measures in response to COVID-19

CBRM understands that many taxpayers are concerned about the future, about employment insecurity and the ability to pay their tax and water bills. With a new wave of tax and water bills being released in the next 2 weeks, CBRM is receiving many requests from concerned rate payers for payment deferral arrangements during this heightened period of financial anxiety. As such, staff are recommending that the following measures be approved in the interim.

For the next 90 days, CBRM will defer tax sale procedure and disconnection of water utility customers for non-payment. CBRM is also committed to being flexible by extending payment due dates, and providing options for residential and small business customers affected by protection measures undertaken by the Province of NS. Any further deferral will be reassessed in June, 2020.

Staff request that Council approve the payment deferral recommendation as presented.

Respectfully,

Jennifer Campbell, CPA, CA
Chief Financial Officer

March 26, 2020

The Honourable Cecil Clarke
Mayor
Cape Breton Regional Municipality
300 Esplanade - Suite 400

Sydney, NS B1P 7B9

Dear Honourable Cecil Clarke:

Re: Provincial Infrastructure Funding – Cape Breton Regional Municipality

The Province endorsed and mailed a Contribution Agreement (CA) to Cape Breton regional Municipality (CBRM) on September 5, 2019, regarding the project: Wastewater Treatment Infrastructure (project # 05-18-0072). This project was approved under the Investing in Canada Infrastructure Program (ICIP) and included a Provincial contribution of 33.33%. The Province is offering to increase its share, to offset the Municipal share, of the project to pay a contribution to the Recipient of not more than 60% of the total Eligible Expenditures for the Project up to a maximum of \$58,737,344. This will be reflected in an upcoming amendment to the CA following receipt of the signed declaration referred to in this letter.

The federal and provincial shares combined for this project will total 100% of the approved total eligible expenditures of \$97,895,574 as identified in the CA under the ICIP. As outlined in that Agreement, project expenses are to be incurred by CBRM and are reimbursed on a claims-basis. In order to alleviate cashflow pressures for this project, the Department will advance a \$6,000,000 one-time payment from the 60% Provincial share to CBRM for this project, contingent upon CBRM agreeing and satisfying the conditions set out in this letter. This does not alter any terms of the CA as referenced above.

In addition, the Province will contribute up to 50%, to a maximum amount of \$4,000,000 of the total approved eligible expenditures, towards a project for upgrading underground water and wastewater infrastructure in and around Glace Bay (as identified in appendix A) on the condition that an application is to be submitted and approved for federal funding of 50% under the ICIP and will be subject to a formal CA upon approval.

The \$6,000,000 advance payment towards the Wastewater Treatment Infrastructure CBRM project and the \$4,000,000 contribution towards the potential Glace Bay infrastructure project, will be released to the CBRM under the following terms and conditions, to which CBRM indicates their agreement, by returning a copy of this letter duly signed by an authorized municipal official by March 27, 2020:

- a) the Municipality shall maintain a separate and distinct account for the funds provided by Nova Scotia as referenced within this Agreement, and agrees to track separately the funds received from the Province for the purpose of the projects; the municipality also agrees that the accounts are subject to audit by the Province at any time;
- b) the Municipality shall report on the balance of the funds provided by Nova Scotia with respect to these contributions quarterly, and when requested by the Province on a reasonable and timely basis;
- c) all funds provided by the Province shall be expended for the sole purposes of the design and construction of the projects as identified;
- d) the Municipality must submit an application for ICIP funding of the Glace Bay area project, and it must receive federal approval;
- e) the Municipality must enter into a Contribution Agreement with the Province for both projects identified herein with the ICIP Wastewater Treatment Infrastructure Project CA signed and returned by March 27, 2020;
- f) the Municipality will be required to repay the contributions, or a portion thereof, to the Province, in the event that:
 - i. the contribution, or any part of it, is used for a purpose other than the design and construction of the projects identified;
 - ii. the Municipality is in default of any term of the Agreements;
 - iii. the projects are not approved under federal contribution programs; or,
 - iv. final costs are less than approved budgets.

- g) Any repayment required under these terms is considered a debt to the Province;
- h) A Motion of Council supporting the signing of this letter is required by March 27, 2020.

Please indicate agreement to these Terms and by signing the declaration below and returning the original to my attention. Please retain a copy for your files.

The Department will release the agreed funds to the Municipality upon receipt of this signed declaration and, the signed Contribution Agreement referred to in (e) above and a copy of the Motion of Council referred to in (h) above. A formal amending agreement to integrate the revised provincial contribution into the Wastewater Treatment Infrastructure ICIP Contribution Agreement will follow, as well as other documentation that may be required for the Glace Bay project submission.

Should you have any questions, please feel free to contact me at (902) 424-2297 or TIRMIN@novascotia.ca

Yours sincerely,

The Honourable Lloyd Hines
Minister of Transportation and Infrastructure Renewal

On behalf of the Cape Breton Regional Municipality, I accept and agree to the Terms and Conditions set out in this letter for the Wastewater Treatment Infrastructure – Cape Breton Regional Municipality and the Glace Bay and area Water and Wastewater Project.

Mayor

Date

cc The Honourable Chuck Porter, Minister of Municipal Affairs and Housing