

**Cape Breton Regional Municipality**

**General Committee Meeting**

**AGENDA**

**TUESDAY, JUNE 5<sup>TH</sup>, 2018**

**6:00 P.M.**

Council Chambers  
2<sup>nd</sup> Floor, City Hall  
320 Esplanade, Sydney, NS



# **Cape Breton Regional Municipality**

## **General Committee Meeting**

**Tuesday, June 5<sup>th</sup>, 2018**

**6:00 p.m.**

### **AGENDA ITEMS**

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#### **Roll Call**

**1. APPROVAL OF MINUTES: (Previously Distributed)**

➤ **General Committee – May 1, 2018**

**2. PLANNING ISSUES:**

**2.1 APPROVAL TO ADVERTISE:**

a) **Municipal Planning Strategy Amendment Application # 1042:**  
**Kent Building Supplies Ltd., Grand Lake Road, PID**  
**15603590:** Karen Neville, Planner (See page 5)

**3. BUSINESS ARISING:**

**3.1 General Committee - January 9, 2018:**

a) **Request to Review the Cape Breton Regional Municipality's**  
**Council Agenda Policy:** Deborah Campbell Ryan, Municipal Clerk  
(See page 13)

**3.2 Council - March 6, 2018:**

a) **Borrowing Policy – Proposed Amendments:** Jennifer Campbell,  
Chief Financial Officer (See page 46)

**Continued...**

**General Committee Meeting Agenda  
June 5<sup>th</sup>, 2018 (Cont'd)**

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**Business Arising (Cont'd):**

**3.3     Council - March 7, 2018:**

- a)     **Council Appointments to Internal and External Committees – Term (Amendments to RC4 Committees Policy):** Deborah Campbell Ryan, Municipal Clerk (See page 51)

**3.4     General Committee - May 1, 2018:**

- a)     **Municipal Grants Program Policy – Amendments:** Jennifer Campbell, Chief financial Officer (See page 62)

**4.     CORPORATE SERVICES ISSUES:**

- 4.1     Transfer Station Lease Agreement:** Francis Campbell, Manager of Solid Waste (See page 71)

- 4.2     Low-Income Tax Exemption Program:** Jennifer Campbell, Chief Financial Officer (See page 73)

- 4.3     Resolution for Pre-Approval of Debt Issuance:** Jennifer Campbell, Chief Financial Officer (See page 91)

- 4.4     Borrowing Resolution, Operating:** Jennifer Campbell, Chief Financial Officer (See page 93)

- 4.5     Borrowing Resolution, Lease Facility:** Jennifer Campbell, Chief Financial Officer (See page 94)

- 4.6     RC3 Meetings Policy – Proposed Amendments:** Deborah Campbell Ryan, Municipal Clerk (See page 95)

- 4.7     Municipal Transfers for Provincial Costs:** Jennifer Campbell, Chief Financial Officer (See page 97)

**5.     PUBLIC SERVICES ISSUES:**

- 5.1     Water Capital 2018-19 – Discussion Paper:** Greg Penney, Manager of Water Operations (See page 102)

**ADJOURNMENT**

**Municipal Planning Strategy Amendment Application #1042: Kent Building Supplies, Grand Lake Road (PID 15603590):**

**Motion:**

Moved by Councillor MacLeod, seconded by Councillor Coombes, that staff be directed to undertake a Public Participation Program to consider the Municipal Planning Strategy Amendment Application #1042 by Kent Building Supplies to allow for the construction of a Kent Building Supplies store and possible future commercial and residential phases on PID 15603590 located on Grand Lake Road.

**Discussion:**

The following was raised during discussion:

- The requirement for a Roundabout and road connections
- Lights that were promised by DTIR in the Kyte's Hill area;
- Positive economic impacts of the project;
- Provincial Government responsibilities.

**Motion Carried.**



**TO: CBRM Council**

**FROM: Karen Neville**

**SUBJECT: MUNICIPAL PLANNING STRATEGY  
AMENDMENT APPLICATION – 1042  
Kent Building Supplies Ltd  
GRAND LAKE ROAD, GRAND LAKE ROAD  
PID 15603590**

**DATE: May 29<sup>th</sup>, 2018**

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**Introduction**

The Planning and Development Department has received an amendment request from WSP on behalf of Kent Building Supplies Ltd for PID 15603590 located adjacent to Grand Lake Road (Attachment A). Kent Building Supplies Ltd. is looking to purchase a 100 acre property (PID 15603590) to construct a Kent Building Supplies store and possibly future commercial and residential phases (Attachment B).

**Why Amend the Land Use By-law?**

The property in question is zoned Arterial Business Corridor (ABC) and Residential Urban C (RUC) [Attachment C]. While the ABC zone would does permit a building supplies dealership, the RUC zone does not. Part 10, Policy 17, of the Municipal Planning Strategy Policy (MPS) indicates Council may consider a zone amendment to a zone immediately adjacent. In this case, the proposed zone requested is the ABC zone is immediately adjacent to the RUC zone, and therefore the request is in keeping with the Part 10, Policy 17.

**Why Amend the Municipal Planning Strategy?**

In addition to having to amend the Land Use By-law (LUB), the Municipal Planning Strategy (MPS) would also need to be amended to permit a new sales and service use on this property. The CBRM and the Nova Scotia Department of Transportation and Infrastructure Renewal (TIR) jointly commissioned a traffic study of Grand Lake Road/Sydney Road. The purpose of the corridor study was to make recommendations on how the both levels of Government can manage the flow of motor vehicle traffic along Grand Lake Road between Sydney and Glace Bay because of the two conflicting uses of this corridor i.e.

- as a commuter route between the two largest urban communities in the CBRM; and
- as a highly sought out business development corridor because of its significant volumes of motor vehicle traffic.

Based on the recommendation of this study, the MPS contains a policy that states no new business developments on previously undeveloped sites, or sites unoccupied with business development, shall be permitted along this corridor, unless the site can be accessed via a signalized intersection (Part 2, Policy S.b.3). The applicant is proposing that a new business development be located within this corridor which will be accessed by a roundabout. Since roundabout is not listed as an option to manage traffic flow, the applicant is requesting roundabout be added to Part 2, Policy S.b.3.

Because Part 2, Policy S.b.3 was the result of a joint study between C8RM and TIR, a change in policy should be supported by TIR. In a letter dated March 28<sup>th</sup>, 2018, TIR confirmed their support for an amendment to the MPS to include roundabout as an acceptable option to access new development along this corridor (Attachment D). It should be noted that an amendment to Part 2, Policy S.b.3. would not just apply to the proposed location of Kent Building Supplies, but that it would apply to any new business development along this sector of Grand Lake Road/Sydney Road with a speed limit greater than 60 kilometres per hour.

### Public Participation Program

According to the *Municipal Government Act*, prior to considering an amendment to the MPS, Council must complete a public participation program. On April 24<sup>th</sup>, 2018, Council passed a motion directing staff to initiate a public participation program.

The public participation program consisted of an online survey which was comprised of four questions. Participants were asked:

- to identify which community they were from,
- how often they travel Grand Lake Road/Sydney Road (daily, weekly, monthly, a few times a year, or never),
- whether they believed a roundabout is an acceptable option to manage traffic for new business developments in the corridor of Grand Lake Road/Sydney Road where the speed limit is greater than 60km/hr, and
- whether they believed a lighted intersection is a better option to manage the flow of traffic from new business developments in the corridor of Grand Lake Road/Sydney Road where the speed limit is greater than 60km/hr.

There was also an opportunity for respondents to provide additional comments. The majority of the 828 respondents travel the Grand Lake Road/Sydney Road daily (58.11%) or weekly (33.29%). Other survey results were:

| Question                                                                                                                                                              | Yes    | No     | No Answer Provided |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|--------------------|
| Do you believe a roundabout is an acceptable option to manage traffic for new business developments in the corridor of Grand Lake Road/Sydney Road?                   | 46%    | 53%    | 1%                 |
| Do you believe a lighted intersection is a better option to manage the flow of traffic from new business developments in the corridor of Grand Lake Road/Sydney Road? | 57.38% | 41.53% | 1.09%              |

When you look at the results of the questions presented above, it would appear that the majority of people prefer a lighted intersection as an option to manage traffic. However, when you review the additional comments submitted, there is no clear perspective on what approach development should be taking along this corridor.

Some of the comments included:

- Any additional intersections will result in congestion and increase travel time for commuters
- Roundabouts are confusing
- The Kytes Hill Subdivision and Kent Building Supplies should access Grand Lake Road via one access point
- Support any commercial development throughout this corridor
- Kent Building Supplies should consider a different location
- Roundabouts are a safer and more efficient ways to manage travel
- Lower the speed limit along Grand Lake Road/Sydney Road
- Access point should be connected via the Mayflower Mall
- Support either lights or roundabouts as long as it improves safety
- Restrict further development along this corridor, especially business development

### **Evaluation**

Given the 828 survey responses, it can be defended that Council has undertaken a public participation program in accordance with the *Municipal Government Act*, and they can proceed with the next step in the application process.

While there is no clear consensus from the online survey, a roundabout is an acceptable option to manage traffic flow, especially since it is an option supported by TIR. Therefore, it is reasonable for Council to consider the applicant's request to amend Part 2, Policy S.b.3. to include the term roundabout. It should be noted that this MPS amendment would enable the Development Officer to issue a permit for a business development anywhere along the corridor of Grand Lake Road/Sydney Road where the speed limit is greater than 60km/hr accessed by a roundabout. At the end of the day, access approval for this development is under the jurisdiction of TIR.

In addition, given Part 10, Policy 17 of the MPS, Council can consider the applicant's request to extend the ABC zone to enable the construction of a Kent Building Supplies.

### **Recommendation**

Based on the above evaluation and Part 10, Policy 17 of the MPS, I recommend that Council schedule a Public Hearing to consider the applicant's text amendment and zone amendment request at the next regularly scheduled Council Meeting.

### **Council Options**

- Schedule a Public Hearing to consider both the text and zone amendment request,
- Schedule a Public Hearing which will only consider the applicant's zone amendment request, or
- Reject the applicant's application

**Submitted by:**

**Originally Signed by**

**Karen Neville**

**Planning and Development Department**







**B**

POTENTIAL LAND  
REQUIRED FOR ROUNDABOUT

PROPOSED  
ROUNDABOUT  
LOCATION

PID: 15678651  
PEARL REALITY LTD  
0.74 ACRES

PID: 15615844  
ATHOLIC EPISCOPAL CORP  
20.0 ACRES

PID: 15515385  
NOVA SCOTIA LIMITED  
2.3 ACRES

PID: 1523332  
NOVA SCOTIA TRANSPORTATION  
AND INFRASTRUCTURE REVENUE  
10.0 ACRES

PID: 15  
PEARL  
15.0 AC

PID: 15503590  
LOBLAW PROPERTIES LTD  
100.0 ACRES

OUTDOOR DISPLAY AREA  
OUTDOOR STORAGE AREA

LUMBER  
YARD  
47.2 ACRES

PROPOSED KENT  
30,000 SF

314 PARKING STALLS

STORAGE BARN  
85' x 134'

WETLAND AND  
WATERCOURSE  
INFORMATION FROM  
STANTEC WETLANDS  
MAP FIGURE 1

ABC ZONE  
RUC ZONE

TREE BUFFER  
AND/OR FENCE

POSSIBLE CONNECTION  
DRIVEWAY (ACCESS  
EASEMENT)

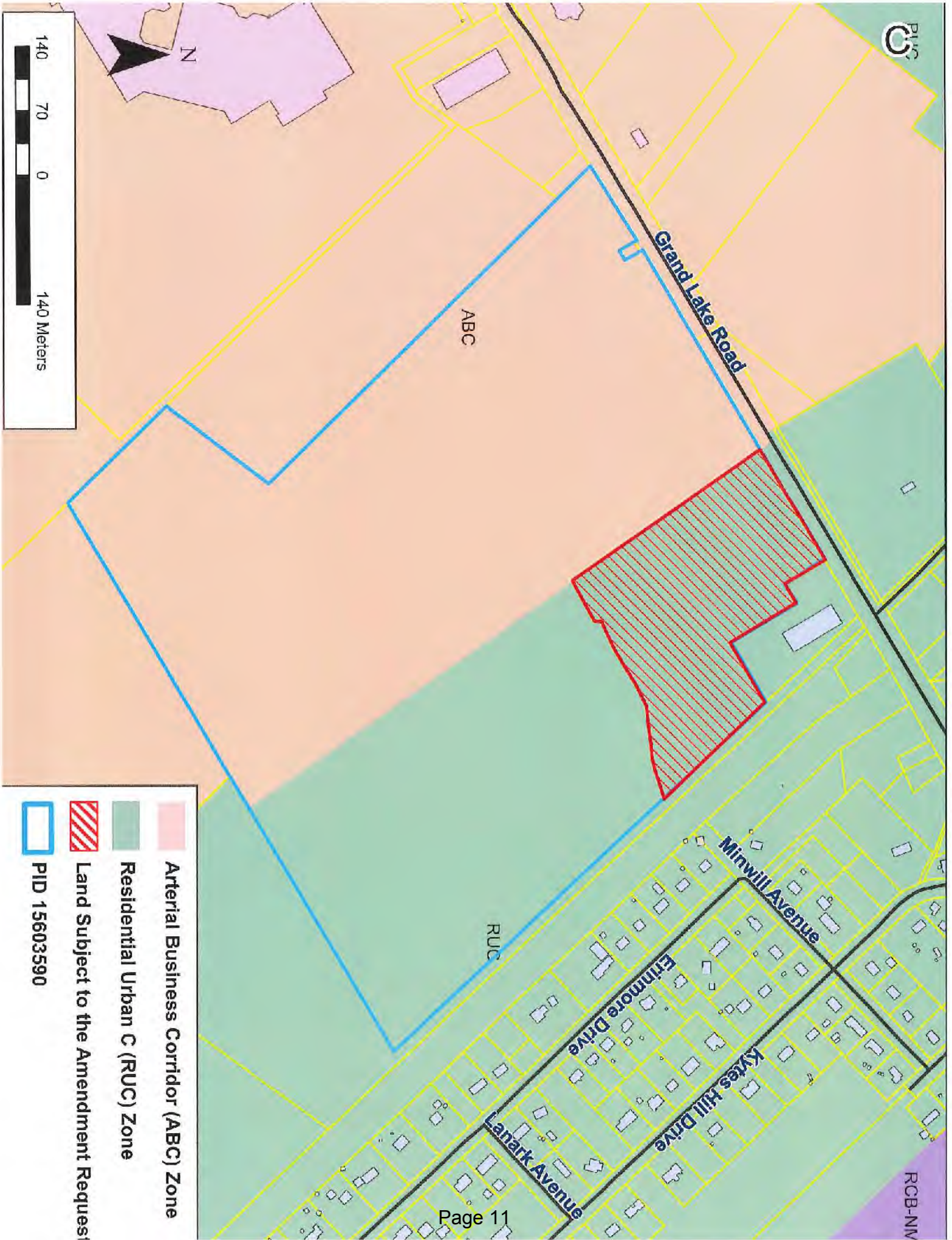
**KEY PLAN**

SITE

PID: 15601  
100 ACR

15.0 AC  
LANC  
(46.15





March 28, 2018

Karen Neville, MCIP  
Planner  
Planning and Development Department  
Cape Breton Regional Municipality  
Suite 200, 320 Esplanade  
Sydney, Nova Scotia B1P 7B9

Dear Ms. Neville,

This letter is to confirm the support of the Nova Scotia Department of Transportation and Infrastructure Renewal (TIR) for an amendment of the Municipal Planning Strategy policy to include full-movement signals or roundabout roadway intersections as a possibly acceptable option to access new business developments on previously undeveloped sites, or sites unoccupied with business development, along the Grand Lake Corridor.

Please contact me if you have any questions.

Regards,

Robyn Homans, P. Eng.  
Area Manager - Cape Breton County

cc. Dwayne Cross, P. Eng., Access Management Engineer, NSTIR  
Gerard Jessome, P.Eng., District Director - Eastern  
Malcolm Gillis, Director Planning and Development, CBRM  
Rick McCready, Senior Planner, CBRM

# ISSUE PAPER

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5021

**To:** Mayor Cecil P. Clarke & Members of Council**From:** Deborah Campbell Ryan, Municipal Clerk**Date:** May 30, 2018**Subject:** Request to Review the CBRM Council Agenda Policy

At the General Committee meeting held on January 9, 2018, a motion was passed directing staff to review the current Council Agenda Policy, and provide an Issue Paper taking into consideration the following amendments: (excerpt of General Committee Minutes attached: **see page 19** )

- All CBRM related items brought forward by individual Councillors and the Mayor/Chair shall be added to the agenda;
- All CBRM related items brought forward by staff shall be added to the Agenda;
- The Clerk give a written response as to why any item has been rejected from inclusion on the Council Agenda (including items given by Council, staff, private citizens, and organizations.)

**Issue:**

Authority to approve the Council/Committee agendas.

**Current Policy:**

In the preamble of the current Council Agenda Policy (**see attached page 21**), it states that the draft agendas for monthly Council and Committee meetings are completed via consultation between the various presiding officers and the Clerk. Further, the Policy states that late items that are received after the agenda has been distributed (up to noon on the day before the meeting) are reviewed by an agenda committee comprised of the Mayor/Chair, the CAO and the Clerk for a decision on inclusion as an added item. Delegation requests are dealt with under separate policy.

I would note that former Clerk, Bernie White, prepared an extensive Issue Paper on "Council/Committee Agenda Composition" (**see attached page 24**) dated April 25, 2006 from which the current Policy was adopted by Council on September 19, 2006.

**Continued...**



### **Legislation/Rules of Order:**

Section 15 of the *Municipal Government Act* states that the mayor or warden shall preside at all meetings of the Council, but it is silent on agenda setting.

In *Roberts Rules of Order, Newly Revised 11<sup>th</sup> Edition* (page 372), it states that it is customary to adopt an agenda for each session in organizations that do *not* hold frequent regular meetings. This is also frequently done when, for any reason, *neither* the standard order of business *nor* a special order of business established by rule of the organization is practical or applicable. Roberts further states that in some organizations, it is customary to send each member, in advance of a meeting, an order of business or agenda, with some indication of the matters to be considered under each heading. Such an agenda is often provided for information only, with no intention or practice of submitting it for adoption.

At CBRM, we do hold regular meetings with an established order of business and the agendas are provided in advance of the meeting. Further, we do not include “approval of the agenda” at the beginning of the meeting, which would indicate that the “assembly” (Council) does *not* adopt the agenda.

It is my opinion, which is supported by the Regional Solicitor, the CBRM presiding officers have the authority to set the agenda, in consultation with the CAO and Clerk, pursuant to the Council Agenda Policy which is the established rule of the organization.

### **Other Jurisdictions:**

In addition to reviewing the current CBRM Policy, I have conducted a jurisdictional scan to determine the agenda approval process by other municipalities. The following is a summary of my findings.

#### **Town of Truro, NS: Council Meetings Bylaw**

- No process for setting the meeting agendas or approval of agenda, but first issue listed on their agendas is *Approval of the Agenda*.
- Delegation Requests – Written requests with specific topics received by the Clerk at least 48 hours prior to the meeting, Council may grant permission to address Council (10 minute time limit).

**Continued...**

**City of Charlottetown, PEI:**

- No agenda policy (currently being developed);
- However order of business includes *Approval of Agenda*.

**City of Moncton, NB:**

- No agenda policy (currently drafting standard operating procedure);
- Order of business includes *Adoption of Agenda*;
- “Presentation to Council Form” (online) for delegation requests.

**City of St. John, NB: “Procedural By-law”**

- Includes sections on council agenda (see attached page **34** )
- Order of business includes *Adoption of Agenda*.

**Summary provided by City Clerk:**

- Agenda submissions (i.e. staff reports, committee reports, letters from citizens, etc.) are submitted to the Clerk’s Office;
- The Clerk prepares the draft agenda and subsequently meets with the City Manager to review the materials;
- The City Manager can deny a staff report, but does not make decisions on Council member submissions or citizen submissions;
- The Mayor is not consulted prior to the agenda being finalized and distributed to Council. Subsequent to the distribution of the agenda, staff then have a meeting with the Mayor to review the agenda materials;
- The Clerk publishes the agenda and distributes it electronically to Council and staff the Thursday preceding the Monday Council meeting;
- The Clerk places the agenda materials on the City website for public/media access on the Friday preceding the Monday Council meeting;
- Council approves the agenda as one of the first orders of business at the Council meeting.

**Continued...**

### **Halifax Regional Municipality (HRM): Administrative Order One**

- Includes sections on Council agenda (see **attached page 39** )
- Order of business includes *Approval of the Order of Business and Approval of Additions and Deletions*. (see **attached page 44** )
- Section 18(3) states that during the agenda review, the Mayor and CAO jointly may delete, defer or refer any item on the draft agenda.

#### **Summary of Policy – based on discussions with Deputy Clerk:**

- Council meetings are held on Tuesdays.
- Council member agenda requests must be submitted in writing on a “Request for Council’s Consideration” form (see **attached page 45** ) to the Clerk by 12:00 noon on the Thursday prior to the Council meeting. The request shall include an explanation of the issue and a copy of a draft motion requesting a staff report which the Council will be asked to consider. If both of these requirements are met, the Clerk shall add the issue to the agenda.
- Staff and Committee reports are to be submitted by Monday (8 days before the meeting) in time to be presented at agenda review (usually 3:30 p.m. that day). The electronic package goes to Council at the end of the day on the Wednesday before the meeting. If the Clerk receives requests for consideration from members of Council on Thursday by noon, these are placed on the agenda. The Councillors get a revised agenda in their paper package on Friday, and because the agenda is not public until noon on Friday, the public get an agenda which does not indicate any revision.
- The agenda *may* be reviewed prior to a meeting. If a review is conducted, the following Council members and staff shall be notified and permitted to attend: Mayor, Deputy Mayor, CAO, Deputy CAO (or delegate), Municipal Solicitor (or delegate), the Clerk (or delegate).

During the review of the draft agenda, the *Mayor and CAO jointly may delete, defer or refer any item*. The Deputy Mayor represents the Councillors on the agenda review committee and advises them if their issues are not going to Council.

- Delegation Requests – considered by Mayor and CAO during the agenda review to determine the appropriate forum. *If the subject matter of the presentation is a matter outside the jurisdiction of the municipality, they will refuse the request.* Very few public presentations are actually made at the Council meetings as most are referred to a standing committee or community council.

**Continued...**



### **HRM (cont'd)**

- Late agenda requests from Council members – must submit their request in writing to the Clerk by 12 noon on the Monday immediately preceding the Tuesday Council meeting. *The Mayor and CAO shall review requests for such late additions decide whether or not to place the item on the agenda.*
- The *Report Centre* is an electronic tracking tool for Council requests for staff reports. The request for a report is keyed into the Report Centre, and the CAO then assigns the report to a department and provides some strategic direction. Once this is complete, a series of deadlines are in place for submission of the report, review of the report, and approval of the report. There are a number of levels of approval (Manager, Director, Finance, Legal, CAO) and each has a specified number of days in which to review/approve.

### **OPTIONS FOR CBRM COUNCIL CONSIDERATION:**

1. Maintain the Status Quo, or:

Amend the Council Agenda Policy to state that:

2. All items brought forward by *members of Council* be added to the agenda, on the condition it is submitted to the Clerk by the deadline (i.e. at least seven days prior to the meeting), it is in writing and the draft motion requesting a staff report is included.
3. All items brought forward by *staff* be added to the agenda, on the condition it is submitted to the Clerk by the deadline (i.e. at least seven days prior to the meeting), it is in writing, the draft motion is included, and has been approved by the Chief Administrative Officer (CAO).
4. The Deputy Mayor shall be a member of the agenda review committee (together with the Mayor, CAO and Clerk), and that the Deputy Mayor be responsible to report back to Council members on the agenda approval process.
5. *Approval of the Agenda* be added to the agenda *Order of Business* for regular committee and council meetings. Any items added to or deleted from an agenda during the meeting will require a motion with two-thirds majority vote.
6. Any combination of options 2 to 5 above.

**Continued...**

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**RECOMMENDATION:**

For the most part, the current Policy is working quite well. There is provision for late and emergency agenda items, and we have certainly used the addendum process in the past. Based on my experience in the Clerk's Department, I believe it is important for the agenda review committee to have some flexibility in terms of agenda-setting. There are instances when items may be outside the jurisdiction of the municipality, require more research before it is ready to go forward on an agenda, or should be dealt with in a different forum. Accordingly, in my opinion, the agenda review committee should have the authority to delete, defer or refer agenda requests. Also it would be helpful to have a councillor agenda request form similar to that used by HRM to clearly outline the issue and motion being sought.

Therefore my recommendation is that the Policy be amended to include Option 4 noted above; and that the agenda review committee be given the authority to delete, defer or refer agenda requests, with explanations to be provided.

Further, it is my recommendation that the deadline for regular agenda items be clearly outlined in the Policy (i.e. Council and staff agenda requests must be submitted to the Clerk's Department by 4:30 p.m. seven days preceding the meeting), and that a councillor agenda request form be adopted as an appendix to the Policy.

**SUGGESTED MOTION:**

That a recommendation be made to Council to amend the Council Agenda Policy to state that:

- The Deputy Mayor shall be a member of the Agenda Review Committee (together with the Mayor, CAO and Clerk or their designate). For those instances when agenda items may be outside the jurisdiction of the Municipality, require more research, or should be dealt with in a different forum, the Agenda Review Committee shall have the authority to delete, defer or refer agenda requests, and an explanation shall be provided. The Deputy Mayor is responsible to report to Council members and the CAO shall be responsible to advise staff regarding the reason their request has been denied.
- The deadline for regular agenda items to be submitted to the Clerk's Department shall be 4:30 p.m. seven days preceding the meeting.
- A councillor agenda request form be adopted as an appendix to the Policy.

If the General Committee agrees with all/some of the suggested amendments, the draft amended Council Agenda Policy will be brought to Council on June 26<sup>th</sup> for approval.

**ORIGINAL SIGNED BY**

**Deborah Campbell Ryan, Municipal Clerk**

Attachments  
copy: Marie Walsh, Chief Administrative Officer

**Request to Review the Cape Breton Regional Municipality's Council Agenda Item Policy**

Councillor Kendra Coombes provided background on her request to review the Council Agenda Item Policy. The current Agenda Policy states it is the Policy of Council that draft agendas for monthly Council and Committee meetings are completed via consultation between the various presiding officers and the Clerk. Further, a member can submit the additional item to the Clerk for review by an Agenda Committee made up of the Mayor/Chair, the CAO and the Clerk for a decision on inclusion as an added item.

Councillor Coombes noted that her request would lead to a more democratic environment and the Agenda.

Mayor Clarke noted that there are points that may require legal opinion in terms structure and the *Municipal Government Act*.

**Motion:**

Moved by Councillor Coombes, seconded by Councillor McDougall, that:

- Staff review the policy and in a staff Issue Paper provide the following amendments:
  - All CBRM related items brought forward by individual Councillors and the Mayor/Chair shall be added to the agenda;
  - All CBRM related items brought forward by staff shall be added to the Agenda;
  - The Clerk give a written response as to why any item has been rejected from inclusion on the Council Agenda (including items given by council, staff, private citizens, and organizations.)

**Discussion:**

During discussion, some of the matters raised included:

- Length of agendas and meetings (i.e. late evenings; including meeting start times)
- Items in the pending files
- Timeframe for circulation of the agenda in advance of meeting
- Notification regarding rejected items
- Process of agenda-setting and policy per MGA
- Evening meetings and public engagement
- Clarity of the motion

**Motion to Amend:**

Moved by Deputy Eldon MacDonald, seconded by Councillor Coombes, to replace the first bullet in the motion with the following wording "*that staff review the policy and take into consideration the following amendments:*"

**Motion to Amend Carried.**

**Main Motion Carried.**

# M·E·M·O

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**To:** CBRM Council

**From:** Councillor Kendra Coombes

**Re:** **Request to Review the Cape Breton Regional Municipalities Council Agenda Item Policy**

**Date:** **December 29<sup>th</sup>, 2017**

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I am writing this memo to request a review of the Cape Breton Regional Municipalities Council Agenda Item Policy.

At this time, it states: "It is the Policy of Council that draft agendas for monthly Council and Committee meetings are completed via consultation between the various presiding officers and the Clerk.". It does not make mention who the Presiding Officers are until midway through the policy "...a member can submit the additional item to the Clerk for review by an agenda committee made up of the Mayor/Chair, the CAO and the Clerk for a decision on inclusion as an added item.".

- My request is for staff to review the policy and in a staff issue paper provide the following amendments:
- All CBRM related items brought forward by individual Councillors and the Mayor/Chair shall be added to the agenda,
- All CBRM related items brought forward by staff shall be added to the agenda,
- The Clerk shall give a written response as to why any item has been rejected from inclusion on the Council Agenda (including items given by council, staff, private citizens, and organizations).

Sincerely;

*Kendra Coombes, Councillor District 11*





# **CBRM**

*A Community of Communities*

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**Cape Breton Regional Municipality**

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## **Council Agenda Policy**

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### **PREAMBLE:**

It is the Policy of Council that draft agendas for monthly Council and Committee meetings are completed via consultation between the various presiding officers and the Clerk.

### **OBJECTIVE:**

It is the objective of this Policy to outline a process for submitting items for Agendas and to ensure that the business requiring Council/Committee direction proceeds in a methodical and timely manner.

### **Key Points:**

- Agendas are constructed during any given month using a pending file.
- Council members and staff are invited to submit issues to the Clerk's Office prior to the agenda consultation meeting.
- Council Members are encouraged to submit their request as early as possible.
- Resource or appropriate background materials i.e. Issue Papers must be provided for distribution with the draft agenda package.
- In all cases possible agendas for regularly scheduled meetings would be pre distributed to Council Members approximately 5 days prior to a meeting. For special meetings these timelines may be reduced.
- All agendas for regular meetings are distributed to all Members of Council whether they are members of a Committee or not.

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### Key Points cont'd

- In Camera materials that are pre distributed are only sent to Committee Members, however non Committee Council members are invited to attend in camera meetings.
- Once an issue has been dealt with by Council it should not be put before Council again for at least 6 months unless by proper motion of reconsideration or rescindment or to amend something previously adopted.

### **LATE ITEMS:**

If an issue arises after the Council package goes out and up to noon on the day before a Council meeting, a member can submit the additional item to the Clerk for review by an agenda committee made up of the Mayor/Chair, the CAO and the Clerk for a decision on inclusion as an added item.

These late items require an issue paper or some kind of background information for distribution before the meeting.

A "new" item received on Council Day or without supporting documentation, will not be permitted.

Council shall not vote on a motion arising out of an item added to the agenda until a staff report and recommendation is received by council. Any motion so made shall be deemed to be deferred until such reports and recommendation is received.

### **NEW BUSINESS:**

New Business in the context of this policy is simply:

- Announcements (substantive)
- Referrals/questions
- Submission of Petition
- Notice of Motion

All are subject to a strict adherence to a 1 minute time limit. No debate.

This Policy replaces earlier policies dealing with agenda issues.

This Policy is Councils' provision for the process of Agenda composition and New Business matters and supercedes Robert's Rules of Order.

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It is noted that the MGA in Section 19(3) sets out the procedure on how a Council can deal with an emergency issue.

Section 19(3)      Where the Mayor or Warden determines that there is an emergency, the Council may meet without notice or with such notice as is possible in the circumstances.

**Approved by Council: September 19, 2006**

# **ISSUE PAPER**

April 25, 2006

To: Corporate Services Committee

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## **Council/Committee Agenda Composition**

In the past few months we've been struggling with the issue of "New Business" items on Council/Committee Agendas.

In this issue paper under background, I outline how the task of making some recommendations on how to handle "New Business" items has come to the Clerk's office.

The preparation of Council and Committee agendas is addressed in several existing CBRM policies i.e. Committees RC4 and Rules of Order, Delegation Policy, New Business Policy. The recommendation at the end of this issue paper suggests a new consolidated procedure for agenda composition, excluding the topic of Delegations wishing to appear before Council which I suggest, should be handled separately at a future meeting before the end of 2006.

## **CONSULTATION ON AGENDA ITEMS CHAIR & CLERK**

At present, the Mayor, as Chair of Council, and the Chairs of Committees, meet or at least have a conversation with the Clerk's Office prior to the setting of a draft agenda. This is a practice that has been in effect in CBRM since 1995 and for the most part has worked.

A lot of Municipal jurisdictions make this solely an administrative function and issues are submitted to the Clerks Office for inclusion on an agenda, based on certain criteria and directions in Council policy. It is not at the sole discretion of the Clerk to decide what goes on an agenda.

In Municipalities using that process the Mayor or Chair of a Committee review agendas to gain the required familiarity with the items for purposes of presiding at the meeting. However, the decision on what goes on an agenda based on rules and proper time limits and criteria laid out in policy is left to administration.

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Consultation on agenda items Chair & Clerk (cont'd)

The rationale is to take politics out of agenda composition.

The CBRM consultation process has worked well over the years and the Council/Committee(s) members always have the ability to require an explanation (on a point of order), why something is on or off an agenda.

As long as the consultation between staff and Council members continues to be emphasized, no change is being suggested.

**BACKGROUND**

In September of 2005, CBRM Council referred its "New Business" Policy to Corporate Services for a review.

There were concerns that the existing policy was too restrictive and some Council Members wanted a mechanism at the end of Council meetings to bring up items either:

- As an announcement
- Notice of Motion for a future meeting, or
- Referrals to Committee and Staff

The CBRM already has a section in its agenda for Notices of Motion.

The Corporate Services Committee at its October 3<sup>rd</sup>, 2005 meeting (by motion) made the following recommendation to Council for an amendment to the CBRM "New Business" Policy.

**Motion:**

Moved by Councillor Stubbart, seconded by Councillor Fogarty, that the New Business Policy shall be amended to include (under the New Business section) that CBRM Councillors shall have the right to bring issues of New Business to the floor. These questions shall be directed to staff or departments and, if necessary, questions/concerns referred to Committees for report at their next meeting. This section of new business shall be brought forth after the items listed under the New Business portion of the agenda have been dealt with at the current Council meeting.

**Motion Carried**



Background (cont'd)

CBRM Council, at its October 25<sup>th</sup>, 2005 televised meeting, approved the amendment to the policy and we've been proceeding based on that directive. Unfortunately, what has evolved since November 2005 is a dissatisfaction amongst Council members surrounding the topic of "New Business".

There have been numerous concerns voiced by members of Council and Staff about the lack of any rules or structure for the "New Business" section of the agenda. At present, meetings are tending to get significantly extended beyond what would normally be the adjournment point. The introduction of additional topics has been described as a "free for all". Some members of Council have even left meetings prior to formal adjournment.

The Clerk's Office at Council in March and April has been asked to offer some comment and recommendations on how we might improve the current difficulties being experienced.

THE TERM "NEW BUSINESS"

Before getting too far into a discussion on reforming "New Business" practices, there should be a definition assigned to or a distinction made between items of "New Business" and matters that are "late items" for an agenda.

"Late items" for an agenda are those that a Council member may wish to have added to an agenda after the monthly Council Package gets distributed.

"New Business" more clearly is something that is being introduced to the Council for the first time. Under this concise definition, there aren't too many items that would fit such a category, especially at CBRM where we use the Council/Committee system. Most items come to Council as Business Arising from Committees.

An announcement, submission of a petition, a request to refer something to staff, Notice of motion for a future meeting of Council could be "New Business".

The difficulties we are experiencing at CBRM seem more to do with "late items" than "New Business".

### **CURRENT COUNCIL AGENDA PROCESS AT CBRM**

Issues for an agenda are submitted to the Clerk's Office during any given month and they are held in a pending file until an agenda consultation between the Mayor for Council, or Chair for Committees, and the Clerk takes place.

For Council, we do a distribution of the Council package on Friday before the monthly Council meeting on the 3<sup>rd</sup> Tuesday of a month, we attempt to gather the required issue papers and background material some 8 days in advance of a meeting. The Clerk meets with the Mayor (usually 5 days before a monthly Council meeting) to draft the agendas.

Some Councillors were concerned that an issue might come up between the draft Council agenda distribution cut off date and the actual meeting, thus shutting them out from getting an issue on the agenda.

We've addressed this in the past by allowing addendums. The normal construction of the agendas doesn't seem to be the problem, it is these additional items that we are having a problem with.

### **OTHER JURISDICTIONS**

In preparing this paper I've looked at some agenda practices from other jurisdictions to see if there might be a better practice somewhere that we could get benefit from.

In general, most Municipal Councils follow a system of pre-distribution of a draft agenda package and Council Members wanting an issue put on the agenda are invited and encouraged to contact the Clerk's Office as early as possible with a proposed item. As noted, at CBRM the Council agenda is very much driven by the Committee System.

Council Agenda packages are produced with the intent to provide Council Members with sufficient background materials on any given topic to assist Council Members in their preparation for Council debates, and to facilitate good decision making.

Most Municipal Councils discourage, some even prohibit, last minute items so as to not have people surprised or taken off guard by unexpected items.

The literature available on meeting procedures commonly suggests that it isn't fair to meeting participants on a Municipal Council or any community based group to have a substantial issue dropped "cold" on the table at the end of a long meeting. It is not conducive to good decision making.

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### **HRM PROCESS**

The Procedural By-law in HRM for example, provides what I submit is a reasonable process for dealing with agendas in general and "late items" in particular.

In HRM there isn't a "New Business" section at the end of the agenda. The HRM Council Members instead, receive what is known as an "information agenda" on Friday, much the same as the packages we send out here at CBRM.

If something arises after the "information agenda" goes out and up to noon on the Monday before a Council Meeting a member can submit the additional item to the Clerk for review by an Agenda Committee made up of the Mayor, CAO and the Clerk for a decision on inclusion as an added item.

This requires that issue papers or some kind of background materials have to be submitted for distribution prior to the actual meeting.

No "new" item received on Council day or "out of the blue" on Council night are permitted.

### **EMERGENCY ISSUES**

In the case of a true emergency issue, there is a process at CBRM for the Mayor, at Council, or Presiding Officer, at Committee, to authorize or deny an issue. A decision such as this by a Presiding Officer can be appealed by any two Members of Council. The fact that Councils such as CBRM and HRM meet so regularly, monthly in the case of CBRM, and weekly at HRM, it would be a rare issue that would get classified as an emergency.

In addition, the CBRM Council always has the ability to call a Special Meeting on an issue if the need arises.

Having noted the above there are members of Council who may still want to be able to make an announcement or have an issue referred without debate at Council. If that were the practice that had evolved, I don't think we would be dealing with this issue again.

In the past few months we've also had Council Members concerned because items requiring extra-ordinary expenditures have come to the floor under "New Business".

We've had other items that were previous decisions via majority vote re-introduced for additional study under New Business.

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### **COMMON GROUND**

If there is any common ground on the issue of "New Business" it would seem to be that Councillors want either:

- To cease the practice of having New Business on Agendas.

Or

- Want an opportunity inside one minute or so to make an announcement or introduce an item and have it referred to Staff or Committee. There should be no debate. Council would want to be careful that announcements dealt with substantial CBRM events and shouldn't be such things as Birthday Greetings etc.

Councillors definitely don't seem to want previous decisions from prior meetings re-visited or re-introduced under "New Business". From a Parliamentary perspective, introduction of previous decisions under New Business should be ruled out of order.

Ironically, such issues have caused the most controversy and under anyone's definition are not truly "New Business" as they have been before Council on previous occasions.

Issues relating to service matters should be directed to Committees. Otherwise, the effectiveness of the Council/Committee system is diluted.

### **OPTIONS & RECOMMENDATIONS**

After noting all of the above and in an attempt to come up with a process that will provide Council Members with a workable compromise and some flexibility on getting issues properly on an agenda the following are some options and a recommendation.

#### **OPTION 1**

That the practice of bringing up any item at the end of a Council meeting should cease and only items listed on the draft agenda or added under an "approval of the agenda" process (which we currently don't have) should be considered.

Options and recommendations (cont'd)

**OPTION 2**

Council will entertain under a "New Business" section

- announcements
- referrals
- Notices of Motion

All such matters are subject to a one minute time limit and there shall be no debate permitted. Strict adherence to the suggested time limit is probably the only way Option 2 could be successful.

**OPTION 3**

"New Business" in the context of this option is simply an announcement made by Councillors inside a one minute time limit at the completion of all other business items formally listed on an agenda.

In this option the following is suggested to address where a Councillor wishes to have an additional item placed on the agenda following the distribution of Agenda packages. The Members shall submit the request in writing through the Clerk's Office to the Mayor, CAO and Clerk no later than noon on the day preceding Council, where upon the Mayor, the CAO and the Clerk shall review the request and decide whether or not to place the item on the agenda.

There shall be no item introduced on Council night for the first time except:

- Announcement – 1 minute time limit – No Debate
- Referrals/Question – to be addressed at next relevant committee meeting 1 minute time limit
- Council shall not ordinarily vote on a motion arising out of an item added to the agenda by a Member of Council until a staff report and recommendation is received from the CAO in respect to the subject matter. Any motion so made shall be deemed to be deferred until such a report and recommendation is received by Council, but Council shall not be bound to adopt such recommendation.
- The Council, by 2/3 majority vote, can opt to proceed with an issue (equivalent to suspension of Rules).

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**Resolution Involving Extraordinary Expenditure**

A re-emphasis of clause (5) in the current CBRM Rules of Order Policy:

- All resolutions involving an extra-ordinary expenditure not definitely arranged for in the current estimates/budget shall be a notice of motion to be discussed at a subsequent meeting. No such resolution shall be voted on at the same meeting at which it is introduced unless the CAO recommends in favor of the expenditure and the Council by a two third vote of the members there present approve the expenditure (This type of motion is not subject to suspension of the Rules).

**RECOMMENDATION**

Option 3 is proposed as a common sense process which, if approached correctly, will ensure that the best use is made of Councils valuable time. It provides adequate flexibility for Members to get "late items" properly on the agenda, while preventing the fast-tracking of unexpected items that lack proper documentation. A draft agenda composition policy (Option 3) is attached for Committee consideration.

**CONCLUSION**

Ideally, this or any other Council Policy has to be owned and respected by the whole Council and Staff. A policy is doomed for failure if Council and Staff are not committed to abide by the rules once set in place. Hopefully, the proper amount of flexibility and a common sense approach to doing business will enable that issues that require Council attention get to Council in a methodical and timely manner.

In addition to these proposed revisions on agenda composition, I believe Council would also prosper from some clarification on delegations wishing to come before Council.

*Original signed by:*

**Bernie White**  
**Municipal Clerk**

/de





# **CBRM**

*A Community of Communities*

**Cape Breton Regional Municipality**

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## **Council Agenda Policy**

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### **PREAMBLE:**

It is the Policy of Council that draft agendas for monthly Council and Committee meetings are completed via consultation between the various presiding officers and the Clerk.

### **OBJECTIVE:**

It is the objective of this Policy to outline a process for submitting items for Agendas and to ensure that the business requiring Council/Committee direction proceeds in a methodical and timely manner.

### **Key Points:**

- Agendas are constructed during any given month using a pending file.
- Council members and staff are invited to submit issues to the Clerk's Office prior to the agenda consultation meeting.
- Council Members are encouraged to submit their request as early as possible.
- Resource or appropriate background materials i.e. Issue Papers should be provided for distribution with the draft agenda package.
- In all cases possible agendas for regularly scheduled meetings would be pre distributed to Council Members approximately 5 days prior to a meeting. For special meetings these timelines may be reduced.
- All agendas for regular meetings are distributed to all Members of Council whether they are members of a Committee or not.

....cont'd

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### Key Points cont'd

- In Camera materials that are pre distributed are only sent to Committee Members, however non Committee Council members are invited to attend in camera meetings.
- Once an issue has been dealt with by Council it should not be put before Council again for at least 6 months unless by proper motion of reconsideration or rescindment or to amend something previously adopted.

### **LATE ITEMS:**

If an issue arises after the Council package goes out and up to noon on the day before a Council meeting, a member can submit the additional item to the Clerk for review by an agenda committee made up of the Mayor/Chair, the CAO and the Clerk for a decision on inclusion as an added item.

These late items require an issue paper or some kind of background information for distribution before the meeting.

A "new" item received on Council Day or without supporting documentation, will not be permitted.

Council shall not vote on a motion arising out of an item added to the agenda until a staff report and recommendation is received by council. Any motion so made shall be deemed to be deferred until such reports and recommendation is received.

### **NEW BUSINESS:**

New Business in the context of this policy is simply:

- Announcements (substantive)
- Referrals/questions
- Submission of Petition
- Notice of Motion

All are subject to a strict adherence to a 1 minute time limit. No debate.

This Policy replaces earlier policies dealing with agenda issues.

This Policy is Councils' provision for the process of Agenda composition and New Business matters and supercedes Robert's Rules of Order.

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Council and Committee of the Whole meetings may be recorded by the Clerk or his/her designate as a means of assisting in the preparation of the minutes of that meeting.

**3.17 Recording - broadcasting - permitted - conditions**

Council and Committee of the Whole meetings which are not closed to the public in accordance with the provision of this By-law may be taped, televised or otherwise electronically or mechanically recorded by a cable television company or by any other licensed telecommunications company provided that such taping, televising or recording is carried out in a manner which does not interfere with proceedings at the meeting.

**3.18 Amendment - repeal - majority vote - required**

This By-law may be amended or repealed by a majority vote of the whole of Council.

**Section 4**

**MEETING**

**4.1 First meeting - Municipalities Act - applicable**

The first meeting of Council after a regular election shall be held no later than the Fifteenth day in June following the Council's election.

**4.2 First meeting - date - place - fixed by Clerk**

The first meeting of Council after a regular election shall be held at a time and place fixed by the Clerk.

**4.3 Council business – Regular Meetings - Mondays**

Except for the first meeting in a term of Council or as otherwise provided regular meetings of Council shall be held bi-weekly on Mondays for the purpose of transacting all business of Council, with the provision for a Council and/or Committee of the Whole meeting as required on the alternate Monday. Business which was originally scheduled for a Regular Council meeting and is left unfinished or is to be reconsidered shall be scheduled for the next Regular Council meeting.

**4.4 Regular meeting - location**

Unless otherwise specifically set out in the notice for a meeting, all regularly scheduled meetings of Council, shall be held in the Council Chamber Lobby Level, 15 Market Square, City of Saint John.

**4.5 Special meeting - other committee meeting - location**

Special or closed meetings of Council, Committee of the Whole and Budget Committee of the Whole and meetings of other committees created under this By-law shall be held at a place and time set out in the notice for the meeting.

**4.6 Holiday - meeting - following day - not holiday**

If a regular meeting falls on a holiday, the meeting shall be at the same hour on the following day not being a holiday, unless otherwise determined by Council.

**4.7 Public meeting - time - commencement**

Regular meetings referred to in Section 4.4 shall commence no earlier than 5:00pm and no later than 7:00 pm as determined by the Clerk and set out in the notice for the meeting.

**4.8 Public meeting - notice**

## **Section 7**

### **QUORUM**

#### **7.1 Quorum - present - meeting - call to order**

When there are sufficient members present to constitute a quorum at the time set for the commencement of the meeting or as soon thereafter as the quorum is present, the Mayor, or if the Clerk has been advised that the Mayor will be absent or late, the Deputy Mayor, shall take the chair and call the meeting to order.

#### **7.2 Mayor absent - Deputy Mayor - call to order - presiding**

In the event the Mayor does not attend within ten minutes after the time appointed, the Deputy Mayor shall assume the chair, call the members to order, and if a quorum is present preside during the meeting or until the arrival of the Mayor.

#### **7.3 Mayor - Deputy Mayor - absent - procedure**

In the absence of the Mayor and Deputy Mayor, if a quorum is present within ten minutes after the appointed time, the Clerk shall call the meeting to order and a Presiding Officer shall be chosen from the members present, who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.

#### **7.4 Quorum - not present - in 30 minutes - adjournment**

If there is no quorum within thirty minutes after the time appointed for the meeting, the Clerk shall record the names of all members present at that time and the meeting shall be deemed to be adjourned until the next regular meeting, unless a special meeting is called for that purpose in the meantime.

#### **7.5 Adjournment - agenda - consideration - subsequent**

If Council is unable to meet for want of a quorum the agenda delivered for that Council or Committee meeting shall be considered at the next Council or Committee meeting prior to consideration of the agenda for the subsequent meeting or it shall be the agenda for a special meeting called for that purpose.

## **Section 8**

### **AGENDA**

#### **8.1 Agenda - Order of business**

The normal order of business for regular and special meetings of Council shall be as set forth in the agenda prepared by the Common Clerk.

#### **8.2 Agenda - Order of business - alteration**

A member may, during a Council meeting, request that items on the agenda be rearranged in order to conduct the business before Council more expeditiously.

#### **8.3 Consent agenda - consideration of recommendations**

The consent agenda items of business are considered to be routine and do not require debate or discussion. The items listed will be disposed of with one unanimous motion. Items on the agenda for regular meetings of Council including correspondence from citizens, groups and organizations and reports containing recommendations from the Clerk, from the Committee of the Whole, from other Committees, or from the Chief Administrative Officer or other Council Appointees may be adopted in a single motion of Council, but any of these items will be

transferred to the regular agenda for consideration and debate upon the request of any member at the time of adopting the consent agenda.

#### **8.4 Headings - order - prepared by Clerk**

Promptly at the hour set by this by-law on the day of each regular meeting, the Councillors., the Common Clerk, Chief Administrative Officer, City Solicitor and Mayor shall take their regular seats in the Council Chamber, and the business of the Common Council shall be taken up for consideration and disposition.

The Clerk shall prepare for the use of members at all Regular meetings of Council, other than Committee of the Whole, an agenda under the following headings:

1. call to order
2. approval of the minutes of previous meeting(s) of Council
3. adoption of agenda
4. disclosures of conflict of interest
5. adoption of consent agenda
6. members comments
7. proclamations
8. delegations/presentations
9. public hearing(s)
10. consideration of by-laws
11. submissions by Council members
12. business matters - Municipal Officers
13. committee reports
14. consideration of issues separated from consent agenda
15. general correspondence
16. supplemental agenda (enacted Oct 29, 2012)
17. committee of the whole (enacted October 29, 2012)
18. adjournment (amended / enacted October 29, 2012)

#### **8.5 Submissions - listed - public matters**

The Clerk shall have prepared for the use of the members at all Regular Council meetings an agenda and Council kit, in electronic or printed format, which shall include all items in respect of the agenda matters.

**SS 8.6 to 8.11 repealed and 8.6-8.17 substituted (Enacted July 16, 2012)**

**SS 8.6 to 8.17 repealed. SS 8.6 – 8.12 enacted (Enacted April 8, 2013)**

#### **8.6 Delivery – to members – prior to meeting**

(1) Subject to subsection (2), the Clerk shall use best efforts to ensure that copies of the agenda and Council kit for regular meetings of Council are delivered in printed format and / or distributed electronically to each member so that they are received in each case by 4:30 p.m. on the Wednesday immediately preceding the regular meeting.

(2) Where a regular meeting falls on a holiday and said regular meeting is held pursuant to section 4.6, the Clerk shall use best efforts to ensure that copies of the agenda and Council kit for that regular meeting of Council are delivered in printed format and/or electronically to each member so that they are received in each case by 4:30 p.m. on the Thursday immediately preceding the said regular meeting.

#### **8.7 Made available – to officers – staff**

(1) Subject to subsection (2), the Clerk shall use best efforts to ensure that electronic copies of the agenda and Council kit for regular meetings of Council are made available to all Corporation officers and staff who are to receive copies thereof as determined by the Chief Administrative Officer on the Wednesday immediately preceding the meeting.

(2) Where a regular meeting falls on a holiday and said regular meeting is held pursuant to section 4.6, the Clerk shall use best efforts to ensure that copies of the agenda and Council kit for that regular meeting of Council are made available to all Corporation officers and staff who are to receive copies thereof on the Thursday immediately preceding the regular meeting.

#### **8.8 Made Available – public**

(1) Subject to subsection (2), the Clerk shall use best efforts to ensure that copies of the agenda and Council kit for regular meetings of Council are made available to the general public at the Office of the Common Clerk and on the website to The City of Saint John by 4:30 p.m. on the Wednesday immediately preceding the regular meeting.

(2) Where a regular meeting falls on a holiday and said regular meeting is held pursuant to section 4.6, the Clerk shall use best efforts to ensure that copies of the agenda and Council kit for that regular meeting of Council are made available to the public at the Office of the Common Clerk and on the website of The City of Saint John by 4:30 p.m. on the Thursday immediately preceding the regular meeting.

#### **8.9 Submissions – to Clerk – deadline**

(1) Subject to subsection (2), all submissions for inclusion in the agenda for regular meetings of Council shall be submitted to the Clerk no later than 4:00 p.m. on the Tuesday immediately prior to the day on which the agenda is to be distributed pursuant to Sections 8.6, 8.7, and 8.8.

(2) Where a regular meeting falls on a holiday and said regular meeting is held pursuant to section 4.6, all submissions for inclusion in the agenda for that regular meeting of Council shall be submitted to the Clerk no later than 4:00 p.m. on the Wednesday immediately prior to the day on which the agenda is to be distributed pursuant to Sections 8.6, 8.7 and 8.8.

#### **8.10 Submissions – to Clerk – past deadline**

(1) Where the Clerk receives a submission for inclusion on the agenda past the deadlines stipulated at section 8.9 and such submission is deemed by the City Manager to be a matter requiring Council's immediate consideration at its next regular meeting, then the Clerk shall deliver copies of the submission to each member as soon as possible and present it to the Council at the beginning of the regular meeting and Council may vote to include the submission on the agenda.

(2) Where Council votes to include a late submission on the agenda at the regular meeting, the Clerk shall add the late submission as an item under the "16. Supplemental agenda" heading on the agenda.

#### **8.11 Special meeting – preparation – requirements**

For special meetings, the agenda shall be prepared as the Mayor, or in the case of a petition, the Clerk, may direct.

**8.12 Not delivered – on schedule – meeting valid**

Failure by the Clerk to meet any deadline set out herein shall not invalidate the Council meeting or any proceeding thereat.”

**8.13 Members Comments – Limitation**

During the “Members Comments” order of business on the agenda, each member may, one time only and for a maximum of 2 minutes, speak to make community announcements, congratulatory remarks or acknowledgements, but he shall not raise business matters.”

**Section 9**

**REPORTS - PETITIONS**

**9.1 Included on agenda - by Clerk [Amended Jan 6, 2014]**

On receipt of a petition intended for Council the Clerk may include it as an item on the agenda for the next regular meeting of Council for which the Clerk is accepting agenda items in full or in summary form as he/she sees fit.

**9.2 Public Reports – Planning Advisory Committee**

If a public meeting has been scheduled at the direction of the Planning Advisory Committee prior to consideration of its report by Council, then all documents, staff reports and plans shall be made available for viewing before and at such public meeting of the Planning Advisory Committee.

**Section 10**

**DELEGATIONS/PRESENTATIONS - PUBLIC**

**10.1 Delegations/Presentations - request on agenda - prior notice [Amended Jan 6, 2014]**

When a member of the public or a representative of any group of persons seeks to address Council, he/she shall submit a request, in writing to the Common Clerk, addressed to the Mayor and Councillors prior to 4:00 pm on the Tuesday (enacted Jan 6, 2014) preceding the scheduled Council meeting. The Clerk will include the request on the agenda of the next regular meeting.

**10.2 Delegations/Presentations –permission to appear**

Upon considering the request to make a presentation or hear a delegation Council may;

- a) decline to hear the delegation / presentation or
- b) set a date, no earlier than the next regular meeting, to hear the delegation / presentation or
- c) instruct the Clerk to schedule a mutually convenient time and date to hear the delegation / presentation

**10.3 Delegations/Presentations – submission of materials [Amended Jan 6, 2014]**

When a member of the public or a representative of any group is scheduled to address Council a copy of their presentation shall be submitted to the Common Clerk prior to 4:00 pm on the Tuesday preceding the scheduled Council meeting.



## **AGENDA FOR MEETINGS OF THE COUNCIL**

### **Information Reports**

12. (1) The Clerk shall have prepared a collection of information reports with copies of all such reports together with an index to be provided to the Council only for its information.

(2) The index shall indicate the source of the item and the date received.

(3) An anonymous item shall not be included in the collection of information provided to the Members.

(4) Where a Member wishes to have an item placed in the collection of information reports, the Member shall submit the request in writing to the Office of the Clerk no later than 12:00 noon on the Thursday prior to the Council meeting at which the item is to be considered, whereupon the Clerk shall cause the item to be added to the collection.

(5) A Member may request that an information report be added to the Agenda for the purpose of a staff presentation or to ask questions of clarification providing the Member has given notice to the Council at the prior regular meeting of the Council at which the information report appears in the collection of information items on the Agenda.

(6) If the request is not in respect of a question of clarification or a staff presentation, the Member must include an explanation of the item and the reasons for making it as well as a copy of a draft motion which Council will be requested to consider.

### **Agenda**

13. (1) The Clerk shall have prepared the agenda of the Council together with copies of all reports or communications to be dealt with at each regular meeting of the Council.

(2) The headings of the Agenda shall be the same as the Order of Business.

### **Agenda Item Respecting Staff**

14. If a Member has an issue concerning staff, either individually or collectively, the issue shall not be added to the agenda of a regular meeting of the Council until the Member has discussed the issue with the CAO and the matter has been discussed at an In Camera (in Private) Session of the Council.

### **Added Items to Agenda**

15. (1) If a Member wishes to have an item placed on the Council agenda, the Member shall submit the request in writing to the Office of the Clerk no later than 12:00 noon on the Thursday prior to the Council meeting at which the item is to be considered.

(2) The request shall include an explanation of the issues and a copy of a draft motion requesting a staff report which the Council will be requested to consider.

(3) If subsections (1) and (2) are complied with, the Clerk shall add the Member's item to the agenda.

### **Late Additions to Agenda**

16. (1) If a Member wishes to have an item placed on the Council agenda following the deadline prescribed by section 15, the Member shall submit the request in writing to Office of the Clerk by noon on the Monday immediately preceding the Council meeting.

(2) The request shall include an explanation of the issues and a copy of a draft motion requesting a staff report which the Council will be requested to consider.

(3) The Mayor and the CAO shall review all requests that comply with subsections (1) and (2) and decide whether or not to place the item on the agenda.

### **Items Added by Council**

17. The Council shall not vote on a motion arising out of an item added to the agenda by a Member until a staff report and recommendation is received from the CAO in respect of the subject matter of the motion, and a motion so made shall be deemed to be deferred until such report and recommendation is received by the Council, but the Council shall not be bound to adopt such recommendations.

### **Agenda Review**

18. (1) The Agenda may be reviewed prior to a meeting of the Council, Committee of the Whole, a Community Council or a Standing Committee.

(2) If an Agenda review is conducted for Council or Committee of the Whole, the following Members and staff shall be notified and permitted to attend:

- (a) the Mayor;
- (b) the Deputy Mayor;
- (c) the CAO;
- (d) the DCAO, or delegate;
- (e) the Municipal Solicitor, or delegate; and
- (f) the Clerk, or delegate.

(3) During the Agenda Review, the Mayor and CAO jointly may:

- (a) deleted;
- (b) defer any item on the Agenda to a subsequent meeting;
- (c) refer any item to a Community Council, Committee of the Whole or a Standing Committee that is within their respective jurisdiction; or
- (d) cancel any meeting of the Council, where, in their judgement, the holding of the meeting is not justified or for any other reason which in their judgement appears appropriate.

(4) In the absence of the Mayor or the CAO, the Deputy Mayor or the DCAO shall stand in the place and stead of the Mayor or the CAO.

18A (1) If an Agenda review is conducted for a meeting other than Council or Committee of the Whole, the following Members and staff shall be notified and permitted to attend:

- (a) the Chair and the Vice Chair;
- (b) the CAO, or delegate;
- (c) the DCAO, or delegate;
- (d) the Municipal Solicitor, or delegate.
- (e) the Clerk, or delegate;
- (f) the secretary of the Committee or the Community Council.

(2) During the Agenda Review, the Chair and CAO jointly may:

- (a) deleted;
- (b) defer any item on the Agenda to a subsequent meeting; or
- (c) cancel any meeting of the Committee or Community Council, where, in their judgement, the holding of the meeting is not justified or for any other reason which in their judgement appears appropriate.

(3) In the absence of the Chair or the CAO, the Vice Chair or the DCAO or his or her delegate shall stand in the place and stead of the Chair or the CAO.

19. (1) On receipt of a request for a presentation, during Agenda review the Mayor or the Chair and the CAO or his or her designate shall review the request and determine the appropriate disposition of the request.

(2) Repealed.

(3) If the subject of the request does not fall within the duties and responsibilities of a Standing Committee, the Mayor and the CAO jointly may:

- (a) place the presentation on the Council agenda;
- (b) refer the presentation to the Presiding Officer of an appropriate Community Council or committee of the Council;
- (c) if the presentation is requesting financial assistance or a tax exemption, refer the delegation to the Grants Committee or Audit and Finance Standing Committee;
- (d) if the subject matter of the presentation is a matter which can be addressed by staff, refer the presentation to the appropriate business unit;
- (e) determine that the Council will receive only written submissions on the matter; or

(f) If the subject matter of the presentation is a matter which is outside the jurisdiction of the municipality, refuse the request.

(4) Unless otherwise determined by the Presiding Officer and the CAO, or CAO designate, jointly the presentation shall be placed on the Council or a Community Council agenda only if the presentation is in reference to an item of business before the Council or Community Council or any matter within the jurisdiction of the Council or Community Council.

(5) Subject to subsection 4, if the request is to present to a Community Council or a committee of Council and the request does not fall within the duties and responsibilities of the Community Council or the committee of Council, the Chair and the CAO, or his or designate, may refer the presentation to the appropriate Community Council or committee of the Council.

(6) Subject to subsection 4, if the request is to present to a Community Council or a committee of Council and the subject of the request falls within the duties and responsibilities of the Community Council or the committee of Council, the Chair and the CAO, or his or her designate, may

(a) place the presentation on the Agenda of the Community Council or committee of Council; or

(b) determine that the Community Council or committee of Council will only receive written submissions on the matter; or

(c) refuse the request.

**Cancellation of any Meeting of the Council**

20. (1) A meeting of the Council may be cancelled:

(a) pursuant to clause 18(3)(d); or

(b) on the written request of two-thirds (2/3 rds.) of the Members where, they have determined that the holding of the meeting is not justified or for any other reason which in their judgement appears appropriate.

(2) A meeting of a Community Council or a committee of the Council may be cancelled:

(a) by the Presiding Officer; or

(b) on the written request of two-thirds (2/3 rds.) of the Members,

where, in their judgement, the holding of the meeting is not justified or for any other reason which in their judgement appears appropriate.

## **INFORMATION PRIOR TO MEETING OF THE COUNCIL**

### **Agenda Package**

21. On the **Wednesday** preceding each regular meeting of the Council, the Clerk shall cause to be delivered electronically or circulated to each Member the following:

- (a) the agenda;
- (b) a copy of each report which is to be considered;
- (c) a copy of each motion to be considered if the motion or the purpose thereof is not indicated on the agenda; and
- (d) the collection of the information reports.

### **Information to be Provided to the Public**

22. The Clerk shall make the agenda and the other information referred to in section 21 available to the general public on a day and time specified by motion of the Council, but, subject to section 23, in no case shall it be provided later than 9:00 am on the Monday preceding each regular meeting of the Council.

### **Circulation of Late Reports**

23. If an item on the agenda has a notation indicating that the report will be circulated other than with the agenda package listed in section 21, the report shall be delivered electronically or circulated to each Member as soon as it is practical prior to the regular meeting of the Council, and the report shall be provided to all Members as near as is reasonably possible at the same time, and in no case shall the report be made available to the public prior to the report having been provided to all Members.

24. If a report to be considered by the Council is circulated to the Council as prescribed in section 23 after the deadline identified in section 21, the Council shall not consider the report unless one or more of its Members requests it to do so, and with agreement of majority vote of its Members present and voting.

**PROCEDURE DURING A MEETING OF THE COUNCIL**

**Order of Business**

36. The Order of Business shall be:

- (a) Call to Order;
- (b) Special community announcements and acknowledgments;
- (c) deleted;
- (d) approval of the listed order of business and approval of any additions thereto or deletions therefrom;
- (e) business arising out of the Minutes unless dealt with elsewhere;
- (f) call for declaration of conflict of interests;
- (g) motions of reconsideration;
- (h) motions of rescission;
- (i) consideration of deferred business;
- (j) notices of tabled matters that are subject to be deemed to be withdrawn pursuant to subsection 54(6);
- (k) public hearings when required will be held at 6 p.m.;
- (l) correspondence, petitions and delegations or presentations;
- (m) information items brought forward;
- (n) reports and recommendations from:
  - (i) staff
  - (ii) Standing Committees of the Council;
  - (iii) Community Councils;
  - (iv) Committees of the Council other than Standing Committees;
- (o) motions;
- (p) added items;
- (q) notices of motion; and
- (r) adjournment.

Item No.

| Request for Council's Consideration                                                                                                                                                                                                                                                                                                                                      |                                                                                                      |                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> <b>Included on Agenda</b><br>(Submitted to Municipal Clerk's Office by Noon Thursday)                                                                                                                                                                                                                                                           | <input type="checkbox"/> <b>Added Item</b><br>(Submitted to Municipal Clerk's Office by Noon Monday) | <input type="checkbox"/> <b>Request from the Floor</b> |
| <b>Date of Council Meeting:</b>                                                                                                                                                                                                                                                                                                                                          |                                                                                                      |                                                        |
| <b>Subject:</b>                                                                                                                                                                                                                                                                                                                                                          |                                                                                                      |                                                        |
| <b>Motion for Council to Consider:</b><br><br><div style="background-color: yellow; padding: 5px; border: 1px solid black;"> <i>(Note: when drafting the motion please ensure that it reflects everything that is being requested to be included in the request for a staff report.) – Please ensure this text is deleted in the final version of this form.)</i> </div> |                                                                                                      |                                                        |
| <b>Reason:</b>                                                                                                                                                                                                                                                                                                                                                           |                                                                                                      |                                                        |
| <b>Outcome Sought:</b>                                                                                                                                                                                                                                                                                                                                                   |                                                                                                      |                                                        |
| <i>Councillor</i>                                                                                                                                                                                                                                                                                                                                                        |                                                                                                      | <i>District</i>                                        |



## Excerpt – Special Council Budget Session Minutes – March 6, 2018

### DRAFT Capital Budget 2018-2019:

#### Motion:

Moved by Councillor Bruckschwaiger, seconded by Councillor George MacDonald, approval of the 2018-2019 Capital Budget as recommended by staff, as follows:

- Capital Budget totaling \$33,932,855;
- Associated required Borrowing Resolutions for \$9,891,361; and
- \$1,526,000 withdrawal from Capital Reserve.

#### Discussion:

Some of Council discussion included:

- Vehicles, Equipment and Fleet
- Proposed 2<sup>nd</sup> Berth
- Renovations for the Civic Centre
- Transit
- Infrastructure, roads, sidewalk and repairs
- Victoria Road Overpass
- Provincial and Federal Funding
- Bayplex and Canada Games Complex
- J-Class roads
- UNSM
- Centre 200
- Heavy Garbage Pick-up
- Equalization
- Option to cut other budget items
- Borrowing and Amendments to the Borrowing Policy

**Most Councillors shared their frustration in the lack of funding for CBRM Roads from the other levels of government. They also requested amendments be made to the Borrowing Policy to be presented at a future meeting of the General Committee.**

**Motion Carried.**

# Issue Paper

**Date:** May 10, 2018

**To:** Mayor and Council

**From:** Jennifer Campbell, CPA, CA Chief Financial Officer

**Re:** Borrowing Policy

---

During the 2018/19 budget deliberations, councilors expressed concern regarding the practice of approving a capital budget that could potentially result in a breach of CBRM's existing borrowing policy.

Currently, the existing borrowing policy states:

*"...the maximum amount of borrowing in a capital budget in a given year will be no more than one half of the principal payments towards the debt in that same given year."*

The CBRM recognizes that certain planned capital projects are contingent on leveraging funds from federal and provincial infrastructure programs (or other funding sources), however it is unlikely that all submissions will receive funding approval. It has therefore been the practice to bring forth a capital budget that instead plans for equal borrowing to debt reduction, but includes the presumption that not all funding applications will be successful and that anticipated borrowing will in fact be less than the budgeted amount. For applications that aren't successful, the planned project and related borrowing is deferred to a future budget year and overall debt reduction is still achieved.

It is our understanding that Council supports the existing capital budget "methodology", however it is desired to amend the current policy to reflect current practice.

The existing borrowing policy is included for reference, along with a proposed amended policy for consideration.

It is staffs' recommendation that council pass a motion to approve the amended borrowing policy as presented.

Respectfully submitted,

**ORIGINAL SIGNED BY**  
Jennifer Campbell, CPA, CA  
Chief Financial Officer



**CBRM**

*A Community of Communities*

**Cape Breton Regional Municipality**

## **Borrowing Policy**

### **PREAMBLE:**

The CBRM requires a reasonable level of annual capital financing to address infrastructure needs while at the same time achieving a reduction in its overall capital debt and corresponding debt servicing costs.

### **OBJECTIVE:**

Given CBRM's infrastructure needs, it is important to maximize capital investment to the greatest extent possible, while being fiscally responsible. It is the objective of this Policy to manage existing debt by limiting the required borrowing in a fiscal year to an amount less than or equal to the principal repayments in that year. As overall debt decreases, there will be corresponding savings in debt servicing costs. Those savings can then be redirected to fund capital expenditures out of the general operating fund.

### **POLICY STATEMENT:**

It is the policy of the CBRM that the maximum amount of planned borrowing in the Capital Budget in a given year will not exceed the total principal debt repayments in that same budget year.



### **Borrowing Policy**

---

#### **PREAMBLE:**

The CBRM requires a reasonable level of annual capital financing to address infrastructure needs while at the same time reducing its capital debt load.

#### **OBJECTIVE:**

It is the objective of this Policy to have less borrowing in the capital budget than the amount of principal payments, thereby reducing the total debt. As the debt decreases, there will be corresponding savings in debt servicing costs. Those savings will be used to fund capital out of operating.

#### **POLICY STATEMENT:**

It is the Policy of the Cape Breton Regional Municipality that the maximum amount of borrowing in a Capital Budget in a given year will be no more than one half of the principal payments towards the debt in that same given year.

#### **REPEAL:**

The Capital Debt Policy and Capital Funding Strategy Policy previously approved by Council are hereby repealed.

**Approved by Council: May 15, 2012**

**Excerpt: Council Minutes - March 7<sup>th</sup>, 2018**

---

**Council Appointments to Internal and External Committees – Term:**

Ms. Deborah Campbell Ryan, Municipal Clerk, provided an overview and recommendation for this issue.

**Motion:**

Moved by Councillor Doncaster, seconded by Councillor George MacDonald, to change the term for Council appointments to Internal and External Committees from one to two years.

**Motion Carried.**

The Municipal Clerk advised that the amended policy will be brought back to Council for approval.

Deputy Mayor MacDonald advised that the current Committee members would remain in place until October, and at that time new Committee members will be nominated for a 2 year term.

The Municipal Clerk advised that the Committee selection sheet will be recirculated later in the fall.



# M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5021

**To:** Mayor Cecil P. Clarke & Members of Council  
**From:** Deborah Campbell Ryan, Municipal Clerk  
**Date:** May 30, 2018  
**Subject:** Council Appointments to Internal and External Committees – Term  
(Amendments to RC4 Committees Policy)

At the March 7, 2018 meeting of Council, a motion was passed to change the term for Council appointments on internal and external committees from one year to two years. At that time I indicated that the amended policy would be brought back to Council for approval.

To that end, attached please find RC4 Committees Policy with the suggested changes highlighted in yellow.

I would point out that additional changes were required to Section 12 (Nominating Committee) in terms of scheduling those Committee meetings, and Section 20 (Audit Committee) to reference the new Audit Committee Policy.

**Recommendation/Suggested Motion:**

That a recommendation be made to Council to approve the amendments to RC4 Committees Policy as presented.

**ORIGINAL SIGNED BY**

**Deborah Campbell Ryan**  
**Municipal Clerk**

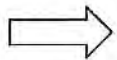
Attachment  
Copy: Marie Walsh, Chief Administrative Officer

## CAPE BRETON REGIONAL MUNICIPALITY

Resolution RC4

### COMMITTEES

#### 1. Standing Committees

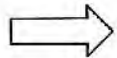


The following standing committees shall be appointed ~~annually~~ **every two years**:

Fire and Emergency Services Committee

Audit Committee

Heritage Advisory Committee



~~Appeals Standing Committee~~

#### 2. Police Commission



Some members of the CBRM Council will also be sworn as Police Commissioners **for a two year term**. The Police Commission will act autonomous of Council and will carry out the prescribed responsibilities as outlined in the Cape Breton Regional Municipality By-laws governing the operation of its Police Commission and the Nova Scotia *Police Act*. The Commission shall meet on a quarterly basis (i.e. March, June, September and December), with the proviso that a special meeting could be called by the Chair should a pressing issue arise. (Police Commission – February 25, 2014). The Chair shall be selected by the Commission at the December meeting for a term of two consecutive years. The Chair shall also represent CBRM on the Nova Scotia Association of Police Boards.

#### 3. General Committee

Following a trial period utilizing a Committee of the Whole system, the General Committee replaced the Protective Services, Public Services, Water Utility, Planning Advisory and Corporate Services Committees (Council - February 19, 2013). General Committee membership is comprised of all members of Council and chaired by the Mayor. The General Committee was empowered with certain decision-making powers as per Section 23(1)(c) of the *Municipal Government Act* (MGA) (Council – April 16, 2013). The delegated powers include:

- a. Declaring CBRM property as surplus to the needs of the Municipality in accordance with the CBRM Property Management Policies;
- b. Building Inspection;



- 
- c. Development;
  - d. Animal Control
  - e. Non-service delivery revenue i.e. licenses, permits, etc.
  - f. Public Works;
  - g. Engineering;
  - h. Transit;
  - i. Solid Waste Collection and Disposal;
  - j. Parks and Recreation;
  - k. Oversight of the CBRM Water Utility operation, including Regulatory Responsibility, Service Procedures, Rate Structure, Budget Preparation for Council consideration, and recommendations on Capital Projects;
  - l. will make decisions on all issues pertaining to the legislative branches of government, including:
    - i. The Chief Administrative Officer's Department
    - ii. The Clerk's Department
    - iii. Solicitor
    - iv. Finance Department
    - v. Human Resources
    - vi. Economic Development Initiatives
  - m. Issues relating to fiscal services;
  - n. Oversight of the business operation of Centre 200 and the Northside Industrial Park;
  - o. Advise the Council in the preparation, amendment or revision of planning strategies, land-use by-laws, and subdivision by-laws and on land use matters generally, and to carry out the functions of a Planning Advisory Committee pursuant Sections 200-203 of the *MGA*;
  - p. The General Committee will report to Council periodically during the year concerning:
    - financial status, actual vs. budget
    - to seek approval for deviation from approved policy
    - departmental performance issues.

#### 4. Residual Power

In recognition of the ultimate power of the Council, especially on occasions when it would be prudent to retrieve an issue from the General Committee, CBRM Council reserves the right to require an issue to be returned to Council in formal session.

#### 5. Committee Chair

The position of Chair of each standing committee shall be rotated annually unless otherwise directed in this or another CBRM Policy.

#### 6. Policies, By-Laws and Budgets

Council shall approve policies, by-laws and budgets for each of its standing committees which will govern the action of the standing committees.

#### 7. Members of Standing Committees



Except when otherwise provided by these By-laws or any statute, all standing committees consist of a minimum of three councillors **who shall be appointed for a two year term.** It shall be a guideline to strive for at least one half of the membership of committees to rotate off **annually every second year to maintain continuity.**

#### 8. Mayor

The Mayor is an ex-officio voting member of all Committees except the Audit Committee and the Police Commission.

#### 9. Special Committees

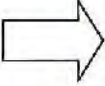
- (1) Special or select committees may be appointed on motion, by recorded resolution, at any time.
- (2) Upon presenting its final report to Council on matters referred to it, a special or select committee is dissolved.

**10. Citizen Advisory Committees**

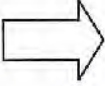
The Council may from time to time appoint citizen advisory committees to advise the Council on the subjects and at the times set out in the resolution establishing the committee.

**11. No Additional Remuneration**

No member of a committee is entitled to remuneration for serving on the committee.

**12. Nominating Committee**

(1) At the first regular meeting of Council held ~~in October of each year, after the Election, and at the first regular meeting of Council held in October two years thereafter,~~ the Council shall appoint, or authorize the Mayor to appoint, the Nominating Committee. The Committee shall consist of the Mayor and at least five (5) Councillors.



(2) Upon appointment, or soon thereafter, the Nominating Committee shall convene and nominate persons to serve for the ~~ensuing year~~ **next two years** on the standing committees and external agencies/committees.



(3) **The Nominating Committee shall also meet as required to deal with citizen appointments and any vacancies on Committees.**

(4) The Council may ratify the report of the nominating committee or may substitute the name of any person instead of the person nominated by the committee.

**13. Non-Committee Council Members**

Council members not serving on Committees will not be permitted to participate in the Committee debate or the vote, but are authorized to make comments, presentations and participate at Committee meetings.

**14. Committee Procedure**

(1) Unless otherwise determined by statute or by-law, the members of a committee shall at their first meeting following the appointment of the committee choose a chair and a vice-chair from among their number.

---

(2) The Clerk shall call the first meeting of any committee after its appointment on the request of the Mayor or a majority of the members of the committee.

(3) The procedures to be followed by any committee are those prescribed by the rules of order resolution.

(4) A majority of the members of a committee is a quorum.

(5) All meetings of a committee are public except meetings to discuss matters related to personnel, land acquisition, legal opinions and other similar matters as outlined in Section 22(2) of the Nova Scotia *Municipal Government Act*.

**15. Vacancies in Committees**

(1) A councillor appointed to a committee ceases to be a member of the committee upon ceasing to be a councillor.

(2) The Council may by majority vote remove any member from a committee, remove any committee, or remove any member of a board or commission appointed by the Council.

(3) The Council shall fill any vacancy occurring in any committee or with respect to any person appointed by the Council as soon as practicable after the vacancy occurs.

**16. Council Authority**

The Council may confirm, alter, modify or annul any act, requirement or direction of any committee.

**17. Committee Reports**

(1) The report of a committee shall be in writing and signed by the Chair.

(2) When there is a difference of opinion among the members of the committee, the minority may report their views in writing to the Council, if they see fit.

**18. Duties of Standing Committees**

It is the general duty of all standing committees:



- 
- (a) to report to the Council from time to time, whenever desired by the Council and as often as the interests of the Regional Municipality may require, on all matters connected with the duties imposed on them;
  - (b) to carry out action in relation to those matters connected with their duties as may be deemed necessary;
  - (c) to draft and introduce for Council consideration and adoption of the by-laws, policies and budgets necessary to empower Committees to carry out their mandate;
  - (d) to consider and report on any and all matters referred to them by the Council or the Mayor;

#### **19. Fire and Emergency Services Committee**

The Terms of Reference for the Fire and Emergency Services Committee is as follows: (Council - August 19, 2014):

##### ***Mission***

The mission of the Fire and Emergency Services Committee is to manage community risk through a system of engineering, enforcement, education and consultation; and to provide a standard of emergency response meeting the defined needs of the CBRM.

##### ***Committee Structure***

→ The Committee shall consist of five (5) members of Council. The Deputy Mayor is to serve as Chair with the annual election of a Vice Chair. Half of the Committee members are replaced annually every two years to maintain Committee continuity.

##### ***Committee Duties***

The Committee is to report to Council, carry out the requests of Council, conduct research, create draft bylaws, policies and budgets for Council's consideration, and provide an annual report to Council on the state of service delivery including recommended service direction.

##### ***Areas of Responsibility***

The Fire and Emergency Services Committee will accomplish their mission through their oversight and recommendations to Council pertaining but not limited to the delivery of:

1. Registration of Fire Services;
2. Registration of Emergency Service;
3. Volunteer Support;
4. Fire Service Operations;

5. Fire - Emergency Services;
6. Fire Service Prevention;
7. Fire Service Training;
8. Emergency Management; and
9. Budget.

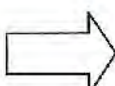
### ***Proposed Meeting Schedule***

Meetings will be held at a minimum quarterly or more frequently as determined by the Chair. The schedule is as follows:

- March - Budget Proposal
- June - Activities Reports
- September – Activities Reports
- December – Activities Reports

When possible, meetings will be held on the second Wednesday of the month commencing at 10:00 a.m.

### **20. Audit Committee**



**The Audit Committee shall consist of five members of Council, including the Deputy Mayor as Chair, and is responsible for the subjects prescribed by the Public Sector Accounting Board, and any other regulations passed pursuant to Section 44 of the *Municipal Government Act*. be appointed in accordance with the provisions of the Audit Committee Policy to perform the duties and exercise the powers prescribed by the Audit Committee Policy in accordance with the *Municipal Government Act*.**

### **21. Heritage Advisory Committee**

The Heritage Advisory Committee shall be appointed in accordance with the provisions of the Heritage Property By-Law to perform the duties and exercise the powers prescribed by the Heritage Property By-Law and the *Heritage Property Act*.

### **22. Pension (Retirement) Committee**

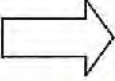
The Pension (Retirement) Committee members shall be appointed in accordance with the provisions of Section XIII of the Cape Breton Regional Municipality By-law Respecting Pension Plan to perform the duties, exercise the powers and report to Council as prescribed in the said By-law.

### **23. External Agencies and Committees**





While Council supports the efforts of external agencies and committees within CBRM and acknowledge the exemplary service provided to the community, it is the Policy of CBRM that direct representation by Council members will not be provided, with the exception of the following organizations (or by future motion of Council), to which the required number of Councillors will be appointed for a **one two** year term unless otherwise stated:

- 
- Cape Breton Regional Library Board (3 members);
  - Pitu'paq (one member);
  - Nova Scotia Solid Waste-Resource Management Regional Chairs Committee (one member **for a two year term**);

Members of Council are at liberty to offer their service to community organizations as a citizen of the Municipality (Council - June 18, 2013).

#### **24. Appeals Standing Committee**

The Terms of Reference for the Appeals Standing Committee shall be as follows:

##### ***Purpose:***

- a. The purpose of the Appeals Standing Committee is to provide a single forum for the hearing of certain appeals of decisions by staff of the Municipality and other duties as assigned.

##### ***Composition:***

- b. The Appeals Standing Committee shall consist of all members of Council.
- c. The Mayor will be the Chair and the Deputy Mayor will be the Vice-Chair of the Appeals Standing Committee.

##### ***Duties and Responsibilities:***

- d. To hear appeals as delegated to the Committee by the Council, including appeals in accordance with the dangerous and unsightly premises provisions in Part XV of the *Municipal Government Act*; appeals in accordance with the CBRM Taxi By-law (as authorized under Section 305 of the *Motor Vehicle Act*); and to issue demolition orders in accordance with the dangerous and unsightly premises provisions in Part XV of the *Municipal Government Act*.

##### ***Administration and Procedures:***

- 
- e. The Appeals Standing Committee shall meet as required to fulfil its duties and responsibilities, and within sixty (60) days from the date the Clerk is in receipt of:
- an appeal of a decision of staff; or
  - a Notice of Staff Intent to Request an Order to Demolish; or
  - a request by an owner to appear and be heard pursuant to Section 346(3) of the *Municipal Government Act*.
- f. While the meetings of the Appeals Standing Committee are open to the public, the proceedings will not be live streamed or videotaped, and the background information for the agenda items will not be posted on the CBRM website.

**Approved by Council August 1, 1995**

**As amended by Council:**

- May 21, 1996
- Occupational Health and Safety Committee deleted as per motion of Council
- December 17, 1996
- November 28, 2000
- December 18, 2001 (quorum at Planning Advisory)
- February 17, 2004 (creation of Water Utility Committee)
- March 11, 2005 (various amendments)
- January 19, 2010 (re: Police Commission)
- October 20, 2015 (General Committee and other amendments)
- June 19, 2017 (Appeals Standing Committee)
- July 18, 2017 (meeting date for Fire and Emergency Services Committee)
- 2018 (Council appointment term 2 years)



**Meeting with CBRM Museum Contacts – Amendments to Municipal Grants Policy:**

**Motion:**

Moved by Councillor Bruckschwaiger, seconded by Councillor McDougall, that a recommendation be made to Council to direct staff to prepare proposed amendments to the Municipal Grants Policy to allow staff to consider operating requirements in terms of funding support for community museums on a case-by-case basis, to be considered at a future meeting of council.

**Discussion**

During discussion, some of the issues raised included:

- Insurance Costs
- Grant applications
- Lack of volunteers

**Motion Carried.**

**CBRM***A Community of Communities*

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**Cape Breton Regional Municipality**

# Issue Paper

**Date:** May 11, 2018

**To:** Mayor and Council

**From:** Jennifer Campbell, CPA, CA Chief Financial Officer

**Re:** Municipal Grants Policy - Amendments

---

At the May 1, 2018 General Committee meeting, Council directed staff to draft an amendment to the Municipal Grants Program Policy that allowed for operating grants to community museums.

The committee has reviewed the policy and incorporated the amendment as requested. In addition, the section related to appeals has been amended to be more descriptive.

The amended policy is attached for your review and consideration.

Respectfully submitted,

Jennifer Campbell, CPA, CA  
Chief Financial Officer



## MUNICIPAL GRANTS PROGRAM

*The Municipal Grants Program is a portfolio of programs which offer project grants, or operating grants to community nonprofit organizations and charities throughout the municipality. The portfolio is managed and administered under a committee designated by Council.*

### Municipal Grants General Eligibility Criteria

#### Annual (application deadline April 30)

- The applicant shall be a registered Canadian Charity or non-profit society registered with the Nova Scotia Registry of Joint Stocks. Registration must be current: **defaulted, expired or revoked status is ineligible for further consideration.** Non-profit groups incorporated under an Act of the NS Legislature are also eligible.
- Grants are not awarded to individuals, commerce, business, industry or sole proprietorships.
- The application organization and/or event is located within the geographic boundary of the Cape Breton Regional Municipality.
- The applicant must have been registered for at least one (1) year prior to the date of application to the Community Grants Program. The Grants Committee may, at its discretion, permit the application from a new organization in circumstances where the absence or delay of a program is to the detriment of the general public or a community of interest.
- All applicants to the Community Grants Program are screened for debt to the municipality. Those in debt (e.g. taxes/water owed, delinquent on final reports for previous grants, fines, etc.) will be deemed ineligible for consideration.
- The applicant shall respect the Canadian Charter of Human Rights and promote equal access and opportunity for all persons.
- The municipality is non-partisan and does **not** provide financial support to religious or political doctrine. Therefore, church halls and affiliated organizations are not eligible.

- Grants are not awarded for the salary/ wages of staff positions, volunteer bursaries or honoraria, or recurring operating costs.
- Grant applicants are not required to match funds; however, they should be able to demonstrate active fundraising efforts to support the continuation of a program, project or service.

### **Ineligible**

Applications will not be accepted from:

- Individuals
- For-profit businesses
- Organizations that are political or religious in nature
- Hospitals, clinics-based services or medical treatment programs;
- School boards

### **❶ Municipal Grants Financial Eligibility Criteria**

The following criteria support the principles of self-sufficiency, public accountability for the expenditure of public money, and outcomes of benefit to the general public. The aim is to acknowledge and support good financial practices regardless of the size of an organization or its financial assets. The applicant shall submit a financial statement for the prior year in addition to a budget for the project for which they are seeking a grant. The statement should contain a complete list of all sources of revenue and expenses as well as assets and liabilities if applicable.

*The Community Grants Program does not provide funding for fund-raising initiatives.*

*The Community Grants Program does not provide core operating assistance (e.g. Excludes salaries and wages, rent, office supplies, insurance, etc.), however special consideration may be given to community museums.*

Applicants are expected to demonstrate they have applied to a designated Provincial and/or Federal grant program. Some projects can be phased and may be partially funded. Matching funding is **not required** but applicants are **encouraged to cost share** or seek assistance from other sources (for example: fund-raising, other levels of government, foundations, corporate sponsors. etc.). Operating grants are not intended to replace Provincial or Federal obligations.

### **Ineligible**

- Core operating assistance (rent, insurance, office supplies)
- Private property
- Government Property
- Public and private schools and post-secondary institutions
- Research for academic or commercial purposes

- Annually recurring fees, core operating costs, general administration, or insurance
- Staff salary or wages, volunteer bursaries or honoraria
- Travel
- Uniforms
- Fund-Raising

## **Application Requirements**

Each grant category requires a separate application to be completed through the use of approved forms. Potential applicants are encouraged to review the associated application forms for specific application requirements.

## **Evaluation Process**

The Grants Review Committee, made up of members of staff, will review applications received under this policy. The role of this committee is to determine which applications meet the basic eligibility requirements within this policy, evaluate the application, and report grant awards to Council within the approved Grants to Organizations budget.

## **Evaluation Criteria**

The Municipality may utilize, but is not limited to, the evaluation criteria in *Schedule A*, for the scoring of grant applications.

## **Approval**

The total budget for grants to organizations will be considered as part of the Municipality's annual budget process. Council may allocate funds over and above the amount approved in the budget process when requests for grants of an emergency or pressing nature are received. Council reserves the right to grant partial requests, or grant or reject any application that may or may not qualify in accordance with the guidelines set out in this policy. Applicants are not guaranteed funding. Grants to organizations will be considered public knowledge. Grants may be awarded with certain terms and conditions. Applicants will be notified of the staff committee's approval with a *Letter of Award*, which will state if any particular restrictions apply to the grant.

## **Appeal Process**

If an organization wishes to appeal a decision of the staff committee, the organization is required to submit a letter to the Chief Administrative Officer (CAO) within 30 days of the date of the *Letter of Award* detailing the basis for their appeal. The CAO shall render a decision following a review of the information submitted and further discussion with the applicant and staff committee. All decisions of the CAO shall be final.

~~All organizations would be notified in writing that they have the right to appeal any funding decision of the staff committee within a thirty (30) day period. All appeals will be directed to the CAO.~~

## **Reporting Requirements**

All groups receiving a financial and/or an in-kind grant from the Municipality must complete a *Project Evaluation Form* and abide by any conditions listed within the *Letter of Award*. Groups in noncompliance with these obligations may not be considered for future grant opportunities.

### **I. Operating Grants- Maximum \$10,000**

- Operating grants are considered annually for organizations with a mandate to deliver an ongoing service or program that is generally delivered by a municipality, or complements a service being offered by CBRM. Operating grants may also be granted to community not for profit museums under special circumstances.
- Operating grants may assist a group with its operations through tax relief (see below), the provision of in-kind support, or direct financial support.
- Operating grants are not intended to support permanent full-time staff salaries or wages.
- Although an organization may be awarded an operating grant several times, the award does not carry the guarantee of renewal over several years.

### **II. Tax Relief for Non-Profit Organizations Program**

This program offers conversions from commercial to the residential tax rate, to a non-profit community, charitable, fraternal, educational, recreational, religious, cultural or sporting organization.

### **III. Capital Grants- Maximum \$25,000**

A capital grant provides **one-time** support for the purchase of property; the construction of a facility, remodeling, expansion of a facility; or purchase of equipment.

The award of a capital grant is reserved for special circumstances and thus, may not be awarded on an annual basis. The Municipality may pay capital grants to groups over two or more fiscal years. Applicants must hold the deed/lease to the property/facility or acceptable alternative (if relevant).

**Municipal Grant Programs Application Deadline:**  
**Applications must be received, in full, on or before April 30 each year**

## **FESTIVAL & EVENT FUNDING**

### **IV. Special Events Grants Program—Parks and Recreation: Events and Cultural Initiatives- \$1000 to \$40,000**

#### **Annual (application deadline March 31)**

The municipal Grants Program also provides funds for events to community non-profit organizations and charities throughout the Municipality. The portfolio is managed and administered under a committee designated by Council.

#### **Funding programs:**

- **Community Celebrations:** Focuses on local residents and community gatherings, all of which are free admission or low cost activities.
- **Significant Anniversaries:** Event organized to commemorate or celebrate a major quarterly anniversary (25th, 50th, 75th, 100th etc.).
- **Cultural Events and Showcases:** Events with strong cultural content that furthers the disciplines of literary, media, performing and visual arts, accessible to the public with free or low cost activities.
- **Sporting Events:** Events that demonstrate Economic Impact as described in Schedule A and are open to all residents of the Cape Breton Regional Municipality.

#### **Non-Eligible events:**

- Consumer shows
- Private events
- Tradeshows
- Awards
- Clinics
- Symposiums
- Individual registration for sports team
- Religious events
- Seminars
- Banquets
- Marketing initiatives
- Uniforms
- Fundraising events
- Political events,
- Travel

**Festival & Event Application Deadline:**  
**Festival & Events Applications must be submitted on or before March 31<sup>st</sup> each year.**



## **SCHEDULE A**

### **Grant Evaluation Criteria**

In general, preference will be given to groups that demonstrate community support, efficient use of resources, sound business practices and a commitment to achieving self-reliance.

#### **I. Tax Relief and Operating Grant Evaluation Criteria**

##### **a. Relevance of Service**

- The extent to which the organization offers a service that is a legislated responsibility of municipal government.
- The extent to which the service complements the Municipality's Strategic Plan and/or a service currently offered by CBRM.
- The extent to which residents of CBRM will directly benefit from the service.
- The extent to which the service or program enhances the quality of life for CBRM residents.
- The extent to which the benefits of the service are broad-based and not specific to a special interest group.

##### **b. Financial Need**

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

##### **c. Organizational Effectiveness**

- Group has a solid leadership structure.
- Group operates with a clear mandate.
- Budgets are well developed

#### **II. Capital Grant Evaluation Criteria**

##### **a. Relevance of Capital Project/Purchase**

- The extent to which the capital project/purchase enhances an organization's ability to offer a service that is a legislated responsibility of municipal government.
- The extent to which the capital project/purchase enhances the organization's ability to complement the Municipality's Strategic Plan and/or a service currently offered by CBRM.
- The extent to which residents of CBRM will directly benefit from the capital project/purchase.
- The extent to which the capital project/purchase improves the quality of life for CBRM residents.
- The extent to which the benefits of the capital project/purchase are broad-based and not specific to a special interest group.

##### **b. Financial Need**

- Demonstrated need for financial assistance from the Municipality.
- Demonstrated efforts to seek other funding sources.

- c. Organizational Effectiveness
  - Group has a solid leadership structure;
  - Group operates with a clear mandate.
  - Budgets are well developed

### **III. Event/Program Grant Evaluation Criteria**

- a. Merit of the Event
  - Organizers have communicated a solid vision and goals for the event/activity/program, which supports the purpose of a development grant.
  - The event/activity/program does not duplicate other community events/activities/programs.
  - Residents of CBRM will directly benefit from the event/activity/program.
- b. Economic Impact
  - The applicant has described the expected economic benefits to CBRM (dollars spent in the municipality, staff hired, and number of local volunteers, training offered to staff/volunteers, local performers, and hotel rooms rented).
  - The event/activity/program promotes economic activity in CBRM.
  - The event/activity/program promotes CBRM as a destination for visitors.
- c. Financial Need
  - Demonstrated need for financial assistance from the Municipality.
  - Demonstrated efforts to seek other funding sources.
- d. Organizational Effectiveness
  - Event organizers have presented an application that indicates a well-planned and organized event/activity/program.
  - Group has a solid leadership structure.
  - Group operates with a clear mandate.
  - Budgets are well developed

\*The above policy replaces the former *Community Facilities Grants and Contributions Policy* dated February, 2010.



*A Community of Communities*

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## **Issue Paper**

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**TO: GENERAL COMMITTEE**

**June 2018**

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**RE: Transfer Station Lease Agreement**

### **Background**

- On February 17, 2005 Council approval was given to implement the Go Forward Plan for Solid Waste Management
- One component of the approved Go Forward Plan resulted in the contract agreement with the Municipality of Guysborough for 2<sup>nd</sup> Generation Landfill services. This contract was secured in March of 2005.
- An additional component resulting from the Go Forward Plan was Council authorization of a lease to purchase contract with Sysco for the Rail Hardening building, this building to be renovated and used as the transfer station.
- This agreement was secured in January of 2007.

### **Discussion**

At the onset of the agreement there was a requirement to retrofit the existing Rail Hardening building and to utilize as a transfer station. Baling equipment was installed and the building was retrofitted to accommodate railcars.

Also in the ensuing years many modifications and general maintenance issues have been undertaken by CBRM.

The current operation of the solid waste department utilizes the transfer station for the transfer of on average 32,000 tonnes of waste for shipment to Guysborough each year.

Section 19 of the agreement grants the Tenant (CBRM) the option to purchase the Property for the sum of One Dollar (\$1.00) at the expiration of the Term.

### **Recommendation**

Staff recommends the following actions:

- ❖ Cape Breton Regional Municipality exercise the right to purchase the transfer station pursuant to the existing lease agreement.

**ORIGINAL SIGNED BY**

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**Francis Campbell**  
**Manager Solid Waste**

# ISSUE PAPER

**Date:** May 7, 2018

**To:** Mayor and Council

**From:** Jennifer Campbell, CPA, CA Chief Financial Officer

**Re:** Low-income tax exemption program

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## **BACKGROUND:**

When the low-income tax exemption program was approved by Council in 1995, it was incorporated as part of an “Exemption from Taxation – Partial-Full” Policy. This policy document clearly outlined the program details and eligibility requirements of the low income tax exemption (MGA Section 69), but also included other exemptions available to non-profit organizations (MGA Section 71). This policy was subsequently repealed, with the low income exemption component incorporated into the overall Tax Collection Policy (approved by Council September 19, 1995; amended April 15, 2008), and the not-for-profit exemptions incorporated in to a new Operating Grants Policy (later repealed and replaced by the Community Facilities Grant Program, later repealed and replaced by what is now the Municipal Grants Policy)

The Tax Collections Policy is a document that outlines Council’s approved procedure with respect to the collection of taxes, including accepted duration of payment arrangements, payment arrangements under special circumstances, tax sale procedure etc.

Section 3.1 of our *Tax Collection Policy* states the following with respect to the Low-Income Tax Exemption:

- 3.1) Residential – Income Guidelines for application of this Section shall be the same as for the Low Income Tax Exemption. The limits are \$14,500 for single income and \$17,500 for multiple incomes. Owner Occupied Home only! (Does not apply to Summer Homes, Vacant Land, or Rental Properties)

There are several issues with respect to how the low-income tax exemption is incorporated into this document:

- 1) The amount of the exemption is not defined;
- 2) Stipulations on property ownership are vague;
- 3) Other eligibility requirements are not noted;
- 4) "multiple income" is not defined;
- 5) No reference for the requirement to complete an application, or deadlines for submission.

It is the opinion of staff that a separate policy document should be drafted that fully outlines the terms and conditions of CBRM's low-income property tax exemption program. Furthermore, the current Tax Collection Policy should be amended to reference the new Low-Income Property Tax Exemption Policy and how such policy is applied in establishing a tax collection arrangement, rather than amended to incorporate the full details.

It is also the opinion of staff that our current program's income thresholds are no longer sufficient and have become inaccessible by those in which the policy was intended to assist, as the thresholds have not been updated since 2008. In 2013/14, the program was utilized by 324 residents; in 2017/18, the program was utilized by 165 residents (nearly 50% less than 5 years ago). It is reasonable to assume, given our demographics, poverty statistics, unemployment rate, and outstanding receivables, that the decline in uptake is not a result of our residents no longer needing the exemption, but rather that they no longer meet our unreasonably low eligibility criteria and have essentially been kicked out of the program.

If CBRM is to update the low-income tax exemption policy, the following need to be considered:

1. Should the thresholds continue to be tiered based on occupancy of a single or multiple income basis?
2. What is an appropriate income threshold for this policy and how do we prevent qualifying low-income residents from becoming ineligible due to future cost of living increases in income assistance programs?
3. Should the tax exemption amount of \$125.00 per household be increased?

#### **OPTIONS TO CONSIDER:**

In comparing CBRM's policy on low-income tax exemption to similar policies from other municipal units, income thresholds and exemption amounts significantly vary. A summary of these policies is attached.

As you can see, each municipal unit has a different threshold based on their area's unique needs. For example:

- Some units have separate income thresholds for single income and family incomes (size not specified) (ie. CBRM).

- Most units have one income threshold and exemption amount regardless of family size (ie. Victoria, Inverness).
- Some units have established income ranges with exemption amounts for each income range but does not factor in family size (ie. Bridgewater)
- Some units have a very complex formula which sets the exemption based on a factor of income and tax payable while also enforcing a minimum tax levy (ie. HRM, East Hants).

Additionally:

- Income ceilings range from a low of \$14,500 (CBRM) to \$40,306 (Colchester).
- Flat rate exemption amounts range from \$100 (Guysborough) up to \$1,000 (Halifax).
- 12 municipal units use a tiered structure based on family size and/or income brackets.
- 26 municipal units have 1 income threshold, regardless of family size.

#### **ADMINISTRATIVE RECOMMENDATION:**

It is staff's recommendation that any low-income tax exemption policy should be based on a fair and reasonable income threshold and be easily administered. Therefore, the following income threshold and exemption amounts are proposed:

- 1) Use an overall combined household income, as opposed to having single and family categories. This method is the most widely used amongst other municipal units.
- 2) The threshold used could be based on the Government of Canada's combined family income limit to qualify for Old Age Security and the Guaranteed Income Supplement (2018 - \$23,616). While not all residents qualifying for CBRM's tax exemption program will be seniors, this income threshold is a reasonable basis for income for this program (and is also used as the benchmark by some municipal units and the Province's Senior's Property Tax Rebate Program). Further, using this income threshold would allow for the annual indexing as applied by the Government of Canada to avoid future income ineligibility creep.
- 3) The exemption should be increased to \$225 (from \$125) per qualifying household per year. This compliments the recent increase in the minimum tax levy approved by Council and brings CBRM's exemption closer to the provincial average.

It is important to note that any changes to income thresholds and exemption amounts would be applicable to the 2018 taxation year (current fiscal year 2018/19), and future years and will not be applied retroactively.



While the increase in exemption can be accommodated in CBRM's existing budget, the increased uptake due to expanded eligibility is not easily determined. However, the overall budget is not likely to be impacted, as the increases to minimum tax are anticipated to result in revenues exceeding budgeted amounts which will offset the incremental financial impact resulting from the expanded income threshold.

Respecting the Tax Collection Policy some minor recommended changes are noted below:

- All references and clauses pertaining to "business occupancy" be removed.
- Update paragraph 4 for tax sale fees to reflect increased processing costs.
- Remove paragraph 3.1) and reference the policy under Procedure c).

Attached is a listing of the various low-income tax exemption programs province wide. Also attached is the draft proposed Low-Income Tax Exemption Policy and proposed amended Tax Collection Policy incorporating the recommended changes to the low-income tax exemption program as well as the minor wording amendments noted above for Council's consideration for approval.

Respectfully submitted,

---

Jennifer Campbell, CPA, CA, Chief Financial Officer

Proposed Draft Motion:

That Council approve the draft proposed Low-Income Tax Exemption Policy and the amended Tax Collection Policy as presented.

| Municipal Unit                    | Income Threshold                                                                 | Maximum Tax Reduction                                                                                                                                                 |
|-----------------------------------|----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cape Breton Regional Municipality | Single Income \$14,500;<br>Multiple Income \$17,500                              | \$125                                                                                                                                                                 |
| Halifax Regional Municipality     | up to \$22,000<br>22000-24750<br>24750-27,500<br>27,500-30250<br>\$30,251-33,000 | 100% \$800-\$1000; Mintax \$110<br>80% \$640-\$800; Min Tax \$230<br>60% \$480-\$600; Min tax \$260<br>40% \$320-400; Min tax \$290<br>20% \$160-\$200; Min tax \$320 |
| Region of Queens Municipality     | \$23,520                                                                         | \$250                                                                                                                                                                 |
| Municipality of Annapolis County  | \$25,000                                                                         | \$250                                                                                                                                                                 |
| Municipality of Antigonish County | \$25,000                                                                         | \$125                                                                                                                                                                 |
| Municipality of Colchester County | \$33,590-40,306;<br>\$25,431-33,589;<br>\$25,431, single                         | \$320.17;<br>\$256.13<br>\$192.10                                                                                                                                     |
| Municipality of Cumberland County | \$18,173-\$20,576;<br><\$18,173                                                  | \$214<br>\$310;                                                                                                                                                       |
| Municipality of Inverness County  | \$25,000                                                                         | \$150                                                                                                                                                                 |
| Municipality of Kings County      | \$34,000                                                                         | \$236                                                                                                                                                                 |

| Municipal Unit                             | Income Threshold                                                                                                                                                                       | Maximum Tax Reduction                                                        |
|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Municipality of Pictou County              | \$21,000                                                                                                                                                                               | \$200                                                                        |
| Municipality of Richmond County            |                                                                                                                                                                                        |                                                                              |
| Municipality of Victoria County            | \$25,000                                                                                                                                                                               | \$200                                                                        |
| Municipality of the District of Argyle     | \$22,601-\$26,000<br>\$17,101 - \$22,600;<br>less than \$17,100                                                                                                                        | \$100<br>\$150;<br>\$200                                                     |
| Municipality of the District of Barrington | \$21,500                                                                                                                                                                               | \$150                                                                        |
| Municipality of the District of Chester    | \$15,001 - \$21,000;<br>\$12,001 - \$15,000;<br>less than \$12,000;                                                                                                                    | \$200;<br>\$300;<br>\$500                                                    |
| Municipality of the District of Clare      |                                                                                                                                                                                        |                                                                              |
| Municipality of the District of Digby      | \$24,000                                                                                                                                                                               | \$250                                                                        |
| Municipality of the District of East Hants | \$69,055, family of 6;<br>\$61,258, family of 5;<br>\$54,018, family of 4;<br>\$44,551 family of 3;<br>\$36,198, one adult and one child;<br>\$23,835, two adults;<br>\$19,046, single | \$218 or up to 20% of their annual tax bill, whichever is the greater amount |

| Municipal Unit                              | Income Threshold                                                                           | Maximum Tax Reduction               |
|---------------------------------------------|--------------------------------------------------------------------------------------------|-------------------------------------|
| Municipality of the District of Guysborough | \$25,000                                                                                   | \$100                               |
| Municipality of the District of Lunenburg   | \$20,000 - \$21,000;<br>\$19,000 - \$20,000;<br>\$18,000 - \$19,000;<br>less than \$18,000 | \$200;<br>\$300;<br>\$400;<br>\$500 |
| Municipality of the District of Shelburne   | \$22,500 - \$25,000;<br>\$20,000 - \$22,500;<br>less than \$20,000                         | \$100;<br>\$200;<br>\$400           |
| Municipality of the District of St. Mary's  | \$19,000                                                                                   | \$110                               |
| Municipality of the District of West Hants  | nil                                                                                        | nil                                 |
| Municipality of the District of Yarmouth    | \$21,353.30                                                                                | 50% to a maximum of \$200           |
| Town of Amherst                             | Tied to GIS<br><\$16,728                                                                   | \$245.16                            |
| Town of Annapolis Royal                     | \$18,000                                                                                   | 50% to a maximum of \$300           |
| Town of Antigonish                          | Income less than GIS cutoff for single person                                              | \$125                               |

| Municipal Unit          | Maximum Tax Reduction                                                                                                                      |                                                         |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                         | Income Threshold                                                                                                                           | Maximum Tax Reduction                                   |
| Town of Berwick         | \$24,501 - \$27,000;<br>\$22,501 - \$24,500;<br>\$20,501 - \$22,500;<br>\$18,501 - \$20,500;<br>less than \$18,500                         | \$230;<br>\$290;<br>\$340;<br>\$380;<br>\$410           |
| Town of Bridgewater     | \$18,001 - \$19,300;<br>\$16,501 - \$18,000;<br>\$12,001 - \$16,500;<br>less than \$12,000                                                 | \$130;<br>\$260;<br>\$390;<br>\$500                     |
| Town of Clark's Harbour | \$17,000                                                                                                                                   | \$100                                                   |
| Town of Digby           | \$22,000                                                                                                                                   | \$250                                                   |
| Town of Kentville       | \$25,778                                                                                                                                   | \$241 to \$512                                          |
| Town of Lockeport       | \$17,311                                                                                                                                   | \$150                                                   |
| Town of Mahone Bay      | \$30,001 - \$32,000;<br>\$27,001 - \$30,000;<br>\$24,001 - \$27,000;<br>\$21,001 - \$24,000;<br>\$18,001 - \$21,000;<br>less than \$18,000 | \$100;<br>\$200;<br>\$300;<br>\$400;<br>\$500;<br>\$600 |

| Municipal Unit          | Income Threshold      |  | Maximum Tax Reduction |
|-------------------------|-----------------------|--|-----------------------|
|                         |                       |  |                       |
| Town of Middleton       | \$19,000              |  | \$200                 |
| Town of Mulgrave        | \$16,000              |  | \$200                 |
| Town of New Glasgow     | \$19,260              |  | \$330                 |
| Town of Oxford          | nil                   |  | nil                   |
| Town of Parrsboro       | \$19,500;<br>\$17,500 |  | \$100;<br>\$350       |
| Town of Pictou          | \$23,500              |  | \$375                 |
| Town of Port Hawkesbury | \$24,000              |  | \$200                 |
| Town of Shelburne       | \$30,000              |  | \$250                 |
| Town of Stellarton      | \$25,000              |  | \$150                 |
| Town of Stewiacke       | \$24,000              |  | \$250                 |
| Town of Trenton         |                       |  |                       |
| Town of Truro           | \$25,530              |  | \$205                 |

| Municipal Unit    | Income Threshold                | Maximum Tax Reduction     |
|-------------------|---------------------------------|---------------------------|
| Town of Westville | 0-\$16,000<br>\$16,001-\$21,000 | \$250<br>\$150            |
| Town of Windsor   | \$23,697                        | 50% to a maximum of \$200 |
| Town of Wolfville | \$26,739                        | \$625                     |
| Town of Yarmouth  | \$21,000                        | \$500                     |

## Cape Breton Regional Municipality

### “ POLICY ”

## Low-Income Tax Exemption Policy

### **STATEMENT:**

The purpose of this policy is to provide a tax exemption for low-income property taxpayers. This policy is adopted under Section 69 of the Municipal Government Act, which permits council to grant a tax exemption for a person whose income is below the amount established in policy.

### **DEFINITIONS:**

- 1.0 “Family” includes persons related by blood or marriage, common law spouses, registered domestic partners and persons related through adoption.
- 1.1 “Family Income” means total income from all sources for the calendar year preceding the fiscal year of the Municipality excluding any allowances paid pursuant to the War Veterans Allowance Act (Canada) or military pension paid pursuant to the Pension Act (Canada) and includes the income of all members of the same family residing in the same household.
- 1.2 “Owner” means:
  - i. The person assessed for the property;
  - ii. A person who holds title, including a part owner, joint owner, tenant in common, or joint tenant of the property;
- 1.3 “Taxes” means residential property taxes, inclusive of area rates applicable to the assessed property.

### **CRITERIA:**

The low- income exemption must be applied for in each taxation year, and is only available to persons who meet the following criteria:



- 2.1 The applicant must be a permanent resident of the Cape Breton Regional Municipality;
- 2.2 The applicant must have legal title to the property;
- 2.3 The property is the applicant(s) primary residence and is assessed in his/her name. Seasonal residences, vacant property, and income properties are not eligible for the low-income exemption.
- 2.4 The applicant's family income is less than the maximum income threshold as stipulated in the Federal Guaranteed Income Supplement program for a couple receiving full Old Aged Security Pension. This value is updated on an annual basis by the federal government for any cost of living increases.

**APPLICATION:**

- 3.1 An application form duly completed and sworn or affirmed to, must be submitted on or before December 31 for processing in the then current taxation year. Satisfactory proof of income must be submitted with the application. Failure to supply satisfactory proof of income shall render the application ineligible.
- 3.2 Property owners meeting eligibility criteria above and demonstrating satisfactory proof of income shall be granted a maximum tax exemption of \$225.00 for the taxation year applied.
- 3.3 At no time shall the exemption amount approved exceed the annual taxes levied on the subject property.
- 3.4 Notwithstanding any other provision of this policy, no exemption is conferred from obligations to remedy unsightly or dangerous premises or any other infractions against a statute, regulation or by-law, whether Municipal, Provincial, or Federal and any charges imposed upon a property arising from the enforcement of such provisions shall not be subject to a tax exemption pursuant to this Policy.

## Cape Breton Regional Municipality

### “ POLICY ”

#### TAX COLLECTIONS

##### **STATEMENT:**

The collection of Municipal property taxes, ~~business occupancy taxes~~ and various rates levied by the Municipal Unit on a regular and timely basis is an integral component of the financial administration picture. The **Assessment Act** and the **Municipal Government Act** make certain provisions, which clarify the rights and limitations for the Municipality to perform the collection operation. The role of this policy is to define the direction of Council in concert with legislative authority and responsibility thus enabling administrators to complete their task without constantly seeking authorization from Council. Under certain conditions it may be necessary to involve council, however, the intent of the policy is to minimize these occurrences to policy review or oddities which are not covered by the policy. As with all policies it will be important for periodic review to ensure compliance with changing legislation and Council direction.

**Definitions:** - (as per Assessment Act)  
i.e. rates, area rates,  
~~business occupancy~~, etc.

##### - **Satisfactory Payment Method:**

- (1) Arrangement whereby **residential** and **commercial** account arrears and current tax levy are paid in full by installments not exceeding two years from date of agreement.
- ~~(2) Arrangements whereby **Business Occupancy** account arrears are paid in full by installments not exceeding one year from date of agreement.~~
- (3) Special Circumstances: (Financial Position of Taxpayer makes (1) above unmanageable)

~~3.1) Residential Income Guidelines for application of the this Section shall be the same as for the Tax Relief Policy for Low Income Taxpayers Low Income Tax Exemption. The limits are \$14,500 for single income and \$17,500 for multiple income. Owner occupied homes only and does not apply to summer homes, vacant land, or rental properties.~~

**Qualifying Criteria:**

- a) CBRM shall require the taxpayer to provide proof of income in the form of income tax returns or other documents deemed to be acceptable by the Financial Services Department. In addition, records of expenditures related to the property (i.e. power, oil etc.) may also be requested.
- b) Pre-authorized payments shall be the only means of payment acceptable under this arrangement.
- c) The maximum term of an arrangement shall be at the discretion of the Management of the Financial Services Department, but shall not exceed Three (3) Years.

**Procedure where Qualifying Criteria has been met:**

- a) Process Property for Tax Sale where applicable.
- b) Waive administrative fee structure as per Criteria 4 below.
- c) If taxpayer meets the criteria noted in CBRM's ~~Grant~~ Low-Income Tax Exemption Policy, apply the exemption for the current year and consider future years' eligibility during which the established arrangement applies.
- d) Effective the month of the arrangement no further interest charges shall be applied until the term expires.
- e) Where accumulated interest on an account is in excess of 10% of the total property taxes owing, a one-time interest adjustment may be made reducing the interest balance to NIL. This adjustment will be done annually in March of each year during the term of the arrangement. The amount of the adjustment will be pro-rated according to the amount paid over the previous 12 months.

**Conditions:**

- a) All Qualifying Criteria have to be met before arrangements can be accepted under this section
- b) Failure to keep the terms of the arrangements under this policy will result in the property being placed on the next available Tax Sale. Payment in full will be required to settle the account prior to the date of the sale.
- c) Arrangements under this section may be applied only once to an account for any one assessed owner.

3.2) ~~Commercial/Business Occupancy~~ – Special Circumstances: (Financial Position of Taxpayer makes (1 and/or 2) above unmanageable)

Where a Commercial Property has been listed for Tax Sale and the taxpayer can substantiate their inability to comply with Section 1 and/or 2 of the policy, the management of the Financial Services Department has the authority to adjust interest upon full settlement of the principal tax balance. Such practice will only be done after the Financial Services Department have done a financial review and due diligence to ensure the viability of the business will require such action.

**Collection Procedure:**

- 1. In the case of taxes and rates levied on real property, any account with arrears in excess of 2 years billings shall be processed for tax sale. Properties with less than two years may be processed for tax sale in accordance with Part (6) Section 134 (1) of the *Municipal Government Act*.
- 2. Tax sale process consistent with Legislation, once initiated shall not be halted without full payment of the account, satisfactory payment arrangements being made, legislated process exceeding authority of Municipality started, intervention by Courts or directive from Council to cease action.
- 3. ~~Business Occupancy tax or~~ Any other levy which does not form a lien on real property shall be considered for collection action 60 days from date of billing. The issue of warrants, seizure of property, small claims court action etc. shall not be initiated until after March 31<sup>st</sup> of the year in which the taxes were levied. Action shall not be halted without full payment of account,

satisfactory payment arrangement, legislated process exceeding authority of Municipality started, intervention by courts or direction from Council to cease action.

4. Collections cost of \$200.00 shall be applied to account balance immediately prior to the issue of the initial Tax Sale letter. A further \$200.00 shall be added at the time when a Title search is requested. An additional \$100.00 ~~\$75.00~~ shall be added at the time the first published advertisement is prepared. A \$25.00 charge for posting the tax notice on the property will be applied to the account. There is also a deed administration ~~preparation~~ fee in the amount of ~~\$200.00~~ ~~\$100.00~~. These fees are in addition to charges applicable under the Assessment Act. Account payment shall be applied to any such charges prior to affecting interest and tax levy.
5. Collection action shall be consistent with appropriate Legislation.
6. For the purpose of administration of legislated requirements covering tax collection, the Manager of Financial Services shall perform the duties of the Treasurer or Director of Finance.
7. In cases where individuals or companies supply goods or services to the Regional Municipality no payment of same shall be carried out if the individual or company is in tax arrears. The Municipality shall have the right to control payment according to tax account situation. (This clause also forms part of the Procurement Policy of the Municipality.)

**Approved by Cape Breton Regional Council: September 19, 1995**

**Amended by Council: February 15, 2000; September 27, 2005; April 15, 2008, May XX, 2018**

# **Cape Breton Regional Municipality**

## **POLICY**

### **EXEMPTION FROM TAXATION - PARTIAL -FULL**

#### **STATEMENT:**

Council recognizes the need to provide some form of property tax assistance to low income property owners, community organization, charitable groups, Municipal agencies such as Volunteer Fire departments and organizations providing a community service which would otherwise require financial assistance from Municipal Government. These situations can best be addressed by development of a policy which demonstrates sound reasoning and clear direction in this area. Each of the identified components of this policy have a certain uniqueness and require specific guidelines to denote their respective status.

The establishment of this policy must take into account the legislative authority of the Municipality, the administrative task of implementation and control and the role of Council to develop policies consistent with the needs of the community.

**Definitions:** (as per Assessment Act)  
Societies Act  
Respective Legislation etc.

#### **Criteria:**

1. Low income property owners subject to a Means Test shall be granted a maximum year tax reduction of \$125.00. The means test is as follows:

- (a) Legal title to the property resides with the taxpayer.
- (b) An application form duly completed and sworn or affirmed to, must be submitted on or before March 31 for processing in the then current taxation year.

page 2. Tax Exemptions - con't.

- (c) The **MAXIMUM** taxable household income as determined by Revenue Canada income tax formula shall not exceed;
    - (1) Single - \$11,000.
    - (2) Multiple- \$15,000.
  - (d) Exemptions shall not be granted for any account in tax arrears.
  - (e) The taxpayer is a resident at the property upon which the exemption is being sought.
  - (f) An application form must be completed and processed for each year.
- 2. Partial tax exemption shall be granted as a result of currently in place legally binding agreements between previous Municipal units and various companies operating in the unit.
  - 3. Full tax exemption shall be granted for all property assessed in the name of a Volunteer Fire Company or a Fire Company providing fire service to the Municipal Unit.
  - 4. Full tax exemption shall be granted for all property assessed in the name of a community organization which has the sole purpose of providing recreational opportunity to the community. The organization must be a registered charity or incorporated under the Societies Act of Nova Scotia.

Adopted by Council on  
the 19<sup>th</sup> day of September, 1995.

**NOTE:** This policy was repealed and incorporated into the Operating Grants Policy approved by Council on March 16, 1999 and amended September 25, 2001; and into the Tax Collections Policy approved by Council on Sept. 19, 1995 as amended to April 15, 2008.



**CBRM**

*A Community of Communities*

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**Cape Breton Regional Municipality**

# MEMO

**Date:** May 10, 2018  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Resolution for Pre-Approval of Debt Issuance

---

CBRM requires a pre-approval for Debenture Issuance for the MFC Fall Debenture. The amount of borrowing required is \$12,975,000. This borrowing is for capital projects approved and completed in the fiscal year 2016-2017.

Due to the fact that longer than 12 months have elapsed since the original approval, a current resolution must be passed. The original motion of Council from the May 12, 2016 Council meeting is attached for reference.

Sincerely,

**ORIGINAL SIGNED BY**

---

Jennifer Campbell, CPA, CA Chief Financial Officer



**Capital Projects Cont'd:**

- c) **Wastewater Management – Feasibility/ Risk Assessment Year 1 of 2 (BCF-MIC)**  
– Not agreed

**Motion:**

Moved by Councillor Cormier, seconded by Councillor MacLeod, to postpone the Wastewater Management – Feasibility/ Risk Assessment Year 1 of 2 (BCF-MIC) as presented in the Capital Budget.

**Motion Carried**

- d) **Debt Servicing Solid Waste** – Agreed.

**Capital Budget 2016-2017:**

**Motion:**

Moved by Deputy Mayor George MacDonald, seconded by Councillor MacLeod, approval of the 2016-2017 Capital Budget as recommended by staff, including:

- 2016-17 Capital Budget totaling \$30,011,326;
- Associated required Borrowing Resolutions for \$13,622,234;
- \$1,867,797 withdrawal from Reserve;
- \$380,000 withdrawal from tax sale surplus;

which amounts are to be adjusted based on the earlier motions to postpone the Sydney Harbour (West) Collector/Treatment – Year 1 of 10 (NBCF PTIC-NIC); and the Wastewater Management – Feasibility/ Risk Assessment Year 1 of 2 (BCF-MIC) projects.

**Discussion:**

The Chief Financial Officer noted that the amount of borrowing will be slightly lower due to the postponement of the Wastewater Projects.

The Director of Engineering and Public Works stated that Council may wish to reallocate that borrowing to the road projects.

**Motion Carried.**

**Council Recessed at 11:24 a.m.**

**Reconvened at 11: 38 a.m.**

# MEMO

**Date:** May 2, 2018  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Borrowing Resolution, Operating

---

CBRM has in place a borrowing resolution for a \$44,000,000 line of credit. Our financial institution, the Bank of Montreal, requires CBRM to renew this operating line of credit annually. This represents the overdraft that is used to finance short term operations and bridge financing for capital projects.

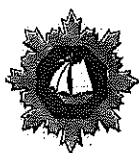
The Bank of Montreal requires a motion from Council to renew this borrowing resolution for the 2018/2019 fiscal year.

Sincerely,

**ORIGINAL SIGNED BY**

---

Jennifer Campbell, CPA, CA Chief Financial Officer



# **CBRM**

*A Community of Communities*

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**Cape Breton Regional Municipality**

## **MEMO**

**Date:** May 2, 2018  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Borrowing Resolution, Lease Facility

---

CBRM has in place a lease facility that carries a limit of \$2,000,000. Our financial institution, the Bank of Montreal, requires CBRM to renew this lease facility annually. CBRM will from time to time, opt to finance equipment purchases through a capital lease agreement that carries a shorter term than borrowing through the traditional debenture process. Lease payments are included in the respective departments' operating budgets and does not affect borrowing capacity.

The Bank of Montreal requires a motion from Council to renew this lease facility for the 2018/2019 fiscal year.

Sincerely,

**ORIGINAL SIGNED BY**

---

Jennifer Campbell, CPA, CA Chief Financial Officer



# M·E·M·O

320 Esplanade

Sydney, Nova Scotia, B1P 7B9

902-563-5021

**To:** Mayor Cecil P. Clarke & Members of Council  
**From:** Deborah Campbell Ryan, Municipal Clerk  
**Date:** May 30, 2018  
**Subject:** RC3 Meetings Policy – Proposed Amendments

Attached is the RC3 Meetings Policy which outlines the day and time for regular monthly meetings of CBRM Council.

As noted in the Policy, the current hours for the regular monthly meetings are from 6:00 p.m. to 9:00 p.m., subject to the decision of Council to go beyond the adjournment time to conclude regular agenda items.

Because the regular monthly meetings of Council typically go beyond 9:00 p.m. to deal with the agenda items, it is recommended that the Policy be amended to state that the regular monthly meetings are from 6:00 p.m. to 10:00 p.m., with the same proviso to go beyond that hour if Council decides to do so.

**Recommendation/Suggested Motion:**

That a recommendation be made to Council to amend the RC3 Meetings Policy to state that the regular monthly meetings of CBRM Council are between the hours of 6:00 p.m. and 10:00 p.m., subject to the decision of Council to go beyond the adjournment time to conclude regular agenda items.

ORIGINAL SIGNED BY

Deborah Campbell Ryan  
Municipal Clerk

Attachment  
Copy: Marie Walsh, Chief Administrative Officer

CAPE BRETON REGIONAL MUNICIPALITY

Resolution RC3

MEETINGS POLICY

Purpose:

This Resolution was composed to set the day and time for Regular Monthly Meetings of the Council of the Cape Breton Regional Municipality.

The Resolution known as “RC3 – Meetings” was offered originally at the August 1, 1995 inaugural meeting of Council and read as follows:

WIIEREAS it has been discussed at length that Tuesday is the consensus for a monthly meeting of Regional Council;

AND WHEREAS the third Tuesday would be the preferred time, between the hours of 6:00 p.m. and 9:00-10:00 p.m., subject to the decision of Council to go beyond the adjournment time to conclude regular agenda items.

Regularly moved and seconded . . .

Approved by Council: August 1, 1995

Amendment to change: 7:00 p.m. to 6:00 p.m.  
CBRM Council, November 18, 2003.

Amendment to change: Adjournment time from 10:00 p.m. to 9:00 p.m.  
CBRM Council: March 11, 2005

Amendment \_\_\_\_\_ 2018

# Issue Paper

**Date:** May 22, 2018  
**To:** Mayor and Council  
**From:** Jennifer Campbell, CPA, CA Chief Financial Officer  
**Re:** Municipal Transfers for Provincial Costs

---

During the May 1, 2018 General Committee Meeting, Council requested a staff issue paper detailing all provincial services to which CBRM contributes. In response to this request, I offer the following background and information:

## Education:

A municipality's contribution to Education is based on the municipal unit's uniform assessment(UA). Uniform assessment is essentially the taxable property assessment (net of properties exempt from taxation through municipal by-law) plus the value of grants received under special tax arrangements (Grants in lieu).

The Municipal Education Tax Rate (MET), as determined by the Province, is applied to the municipal unit's UA to determine the contribution amount charged to each municipality. While the MET rate has been frozen since 2012-13 at \$.003048, the total municipal units' share across the province is not capped. Therefore, the amount charged to municipalities is subject to increases in conjunction with annual increases in their uniform assessments, which includes increases to capped assessments based on CPI.

The contribution is calculated as:

|         |   |          |
|---------|---|----------|
| CBRM UA | x | 0.003048 |
|---------|---|----------|

CBRM's contribution to Education over the past 3 years is as follows:

|         |              |
|---------|--------------|
| 2018-19 | \$14,179,424 |
| 2017-18 | \$13,644,521 |
| 2016-17 | \$13,522,080 |

It is important to note, that in addition to the costs above paid to the Province for education, CBRM pays for wages and benefit costs associated with 40 crossing guard positions which is included in the Police Budget. The budget for crossing guards for 2018-19 is \$485,238.

Additionally, the municipality incurs the financial burden of certain abandoned schools, including insurance costs, securing the property, and ongoing public safety. As you are aware, CBRM incurred the costs of demolishing 3 schools in 2017-18 (St. Agnes, MacLennan, South Bar) at a total cost of over \$400,000.

#### Corrections:

The amount municipal units are charged for Provincial Corrections has been capped at \$13.9m since 2012-13. This means that total contributions from all municipalities cannot exceed \$13.9m, however changes in the values of formula inputs may shift how the \$13.9m is distributed among the various municipal units.

The contribution amount is derived as a factor of both uniform assessment (UA) and # of dwelling units and computed as:

$$\left[ \frac{\text{CBRM UA}}{\text{Provincial UA}} \times \$13.9\text{M} \times 50\% \right] + \left[ \frac{\text{CBRM Dwellings}}{\text{Provincial Dwellings}} \times \$13.9\text{M} \times 50\% \right]$$

CBRM's contribution to Corrections over the last 3 years is as follows:

|         |             |
|---------|-------------|
| 2018-19 | \$1,083,287 |
| 2017-18 | \$1,084,442 |
| 2016-17 | \$1,090,725 |

### **Regional Housing:**

The amount that municipal units pay for Regional Housing is determined by the actual operating results of the CB Island Housing Authority for the preceding year. How much the municipal units pay is set out in “handover agreements” between the Canada Mortgage & Housing Corporation, the Province of NS, and the municipalities. For CBRM, the municipal portion is approximately 12.5% of the operating deficit for public housing units located in the CBRM. Housing Authority operating results could fluctuate depending on rising operating costs and capital investments necessary to maintain the existing public housing portfolio.

CBRM’s contribution to Regional Housing over the past 3 years is as follows:

|         |                         |
|---------|-------------------------|
| 2018-19 | \$1,839,719 (estimated) |
| 2017-18 | \$1,821,504             |
| 2016-17 | \$2,014,014             |

### **Roads:**

The Province maintains various roads for municipalities across the province. The rate charged per km is increased annually by CPI.

The contribution amount is computed as:

|              |                |          |            |                |
|--------------|----------------|----------|------------|----------------|
|              | <b>Rate</b>    |          |            | <b>Rate</b>    |
|              | <u>2017-18</u> | <u>±</u> | <u>CPI</u> | <u>2018-19</u> |
| Rate per km: | \$ 5,222       |          | 1.90%      | \$ 5,321       |

CBRM’s contribution to Roads over the last 3 years for maintenance of 209.74km of road is as follows:

|         |             |
|---------|-------------|
| 2018-19 | \$1,116,072 |
| 2017-18 | \$1,095,299 |
| 2016-17 | \$1,079,117 |

### **Equalization**

Equalization is a “legislated unconditional operating grant to assist municipalities whose costs of delivering a core set of services exceed their ability to pay, when compared to similar municipalities”<sup>1</sup>. The total amount of equalization transfers distributed to municipalities by the Province is \$32,050,000, which is partially funded by the Nova Scotia Power Grant in Lieu. There is no provision in the pool for CPI increases and therefore, there has been no increase to the Equalization “pool” for over a decade.



The grants are calculated using a formula that measures:

**Municipal need** - by developing standard expenditures per dwelling unit for certain municipal services for the various classes of municipalities; and

**Ability of municipalities to fund their need** - by calculating a "uniform assessment" for each municipality.

CBRM receives Equalization transfers from the Province in the amount of \$15,335,838 annually. As you know, the current formula is under review and CBRM's allocation of the Equalization pool has been frozen since 2014-15. Prior to the freeze, CBRM's allocation of provincial equalization had been decreasing annually as other municipal units began to experience similar increased pressures respecting municipal needs and ability to fund. Because the equalization pool was never increased nor was it indexed for CPI, as other municipal units needs grew based on the formula, the existing pool is simply redistributed – while some municipal units received more equalization, others, like CBRM, received less. In 2007/08 CBRM received \$16,760,131. In 2014/15 onward, CBRM received \$15,335,838. That's a decrease of over \$1.4m (8.5%!).

#### HST Offset Grant

The Harmonized Sales Tax (HST) Offset Grant helps municipalities deal with the effects of the increased costs for services as a result of the implementation of the HST. Each year, the Department of Municipal Affairs distributes \$6 million to municipalities and villages through this program, which is fully funded by the Nova Scotia Power Grant in Lieu.

The HST Offset Grant for each municipality is allocated on the basis of the municipality's share of its federal portion of the HST. It is calculated by dividing the total rebate amount per municipality by the total rebates for all municipalities and multiplying that by \$6 million."

|                        |   |        |
|------------------------|---|--------|
| <u>CBRM HST Rebate</u> |   |        |
| Total MU HST Rebates   | x | \$6.0m |

CBRM's share of the HST offset grant is directly affected by our actual taxable spending (both operating, and capital) and how it relates to taxable spending by other municipal units in any given year.

CBRM's share of the HST offset grant over the last 3 years is as follows:

|         |                       |
|---------|-----------------------|
| 2018-19 | \$524,444 (estimated) |
| 2017-18 | \$524,444             |
| 2016-17 | \$505,297             |

### The gap widens...

In summary:

|                                         | <u>2016-17</u>       | <u>2017-18</u>       | <u>2018-19</u>       |
|-----------------------------------------|----------------------|----------------------|----------------------|
| Unconditional Grants                    |                      |                      |                      |
| Equalization                            | \$ 15,335,838        | \$ 15,335,838        | \$ 15,335,838        |
| HST offset                              | 505,297              | 524,444              | 524,444              |
| Total Unconditional Grants              | <u>\$ 15,841,135</u> | <u>\$ 15,860,282</u> | <u>\$ 15,860,282</u> |
| Provincial Mandated Costs               |                      |                      |                      |
| Education                               | \$ 13,522,080        | \$ 13,644,521        | \$ 14,179,424        |
| Corrections                             | 1,090,725            | 1,084,442            | 1,083,287            |
| Housing                                 | 2,014,014            | 1,821,504            | 1,839,719            |
| Roads                                   | 1,079,117            | 1,095,299            | 1,116,072            |
| Total Provincial Mandated Costs         | <u>\$ 17,705,936</u> | <u>\$ 17,645,766</u> | <u>\$ 18,218,502</u> |
| Spread                                  | <u>-\$ 1,864,801</u> | <u>-\$ 1,785,484</u> | <u>-\$ 2,358,220</u> |
| Total Operating Budget                  | \$ 146,011,421       | \$ 148,890,843       | \$ 146,860,803       |
| Provincial costs as a % of Total Budget | 12.1%                | 11.9%                | 12.4%                |

Neither of the formulas for unconditional grants provided by the Province are indexed for inflationary increases, however the majority of the formulas for provincial mandated costs are. As a result, the spread between what we receive vs what we pay to the province continues to widen, and our “ability to fund our municipal needs” is further strained with mandatory costs consuming an increasing % of our overall operating budget each year.

On April 18, 2018, CBRM received formal notice from the Department of Municipal Affairs that the Equalization Grant will be reviewed in 2018-19, and any results of such review could be phased in over future years, beginning as early as 2019-20. Nothing in the notice however, indicated that any changes in formulas are being considered for review with respect to mandated provincial costs.

Respectfully submitted,

Jennifer Campbell, CPA, CA  
Chief Financial Officer

<sup>i</sup> <https://novascotia.ca/dma/funding/operating/equalization-grants.asp>

<sup>ii</sup> <https://novascotia.ca/dma/funding/operating/hst-offset-program.asp>



*Cape Breton Regional Municipality*

# **DISCUSSION PAPER**

**June 5, 2018**

**To: Mayor and Council**

---

## **Re: Water Capital 2018-19**

### **Background:**

In the March budget session, a brief submission of the approved 2017-2020 water capital was presented to Council, for information. The water capital plan had been approved by CBRM Council and presented as part of the Water Rate Hearings with the Nova Scotia Utility and Review Board (NSURB), in 2017. The breakdown of this amount for 2018/2019 included \$1.0 million for Water Transmission, \$2.7 million for Water Storage (new Glace Bay Water Tank) and \$300,000 for Metering. (see attached)

### **Objective:**

Since this 2017 submission considerable time has been allotted to reviewing the hydraulics of the Glace Bay water system and the potential new design of a water tank to meet the volume and pressure demands of the Glace Bay water system. Preliminary technical designs with Glace Bay Master Plan consultant; CBCL have indicated a larger and higher water storage tank will be required to meet these demands however a more technical investigation is required. These primary designs have capital cost estimates in the range of \$4.3 million which far exceeds the Water Utility budget for this item. A structural evaluation of the existing water tank on Main St. was completed this year and indicates that new tank construction is advised to be completed in the next 2 years therefore providing the Water Utility additional time to complete the design and budget accordingly for this project. Also it is our objective to obtain financial assistance within the next two years from upcoming Federal /Provincial ICIP program for this water storage tank construction work.

As additional Engineering and Planning work is required for the Glace Bay Water Tank replacement, and associated Transmission Main configuration, the CBRM Water Utility must defer this project to year 2019-20, with the intent that the project be completing within the anticipated three (3) year window. For 2018-19 the budgeted \$2.7 million associated with this water storage tank will be reallocated and allow the CBRM Water Utility to continue progress

with water infrastructure upgrades to existing aging CBRM water infrastructure. Please see attached list of projects.

---

**Greg Penney**  
**Manager of Water Operations**

Cc. Wayne MacDonald, P.Eng., Director of Engineering and Public Works.

**Water Capital 2018-19 as approved \$4,000,000**

|                           |                        |
|---------------------------|------------------------|
| <b>Meters</b>             | <b>\$ 300,000.00</b>   |
| <b>Water Transmission</b> | <b>\$ 1,000,000.00</b> |
| <b>Water Storage</b>      | <b>\$ 2,700,000.00</b> |

**Total: \$ 4,000,000.00**

**DETAILS:**

Water Metering Capital: S. Total: \$ 300,000.00

**Water Transmission Details:**

|                       |               |
|-----------------------|---------------|
| Sydney St. Glace Bay  | \$ 150,000.00 |
| Acadia Dr. Sydney     | \$ 150,000.00 |
| Norwood St. Glace Bay | \$ 300,000.00 |
| Ferry St. Sydney      | \$ 350,000.00 |

S. Total: \$ 950,000.00

**Water Storage deferred to later date, Water infrastructure upgrade details:**

|                                         |               |
|-----------------------------------------|---------------|
| Chlorine Building Sydney WTPlant        | \$ 450,000.00 |
| Holland St. / Neville St. Reserve Mines | \$ 450,000.00 |
| Olive St to Mahon St, New Waterford     | \$ 250,000.00 |
| Campbell St. North Sydney               | \$ 350,000.00 |
| Lorne St. Sydney                        | \$ 300,000.00 |
| George St. / Brookland St. Ph. 2        | \$ 650,000.00 |
| Master Meter Project Ph. 2              | \$ 300,000.00 |

S. Total: \$ 2,750,000.00

**Total: \$ 4,000,000.00**

**Cape Breton Regional Municipality -Water Capital Budget  
Proposed 2018 - 2019/20**

|                            | <u>2017-18</u>           | <u>2018-19</u>          | <u>2019-20</u>          |
|----------------------------|--------------------------|-------------------------|-------------------------|
| <b>Power &amp; Pumping</b> | -                        | -                       | -                       |
| <b>Storage</b>             | -                        | 2,700,000.00            | 2,200,000.00            |
| <b>Transmission Mains</b>  | -                        | 1,000,000.00            | 1,000,000.00            |
| <b>Distribution</b>        | 12,000,000.00            | -                       | 800,000.00              |
| <b>Water Metering</b>      | -                        | 300,000.00              | 200,000.00              |
| <b>TOTAL</b>               | <u><u>12,000,000</u></u> | <u><u>4,000,000</u></u> | <u><u>4,200,000</u></u> |

