Committee of the Whole
Tuesday, September 6, 2016
9:00 a.m.
Council Chambers, Town Hall
359 Main Street

Agenda

1. Approval of the Agenda

2. Approval of Minutes:
   a. Committee of the Whole Minutes, July 5, 2016

3. Presentation
   a. Acadia Athletics, Kevin Dickie

4. CAO Report

5. Committee Reports
   a. External
      (1) Valley Waste Resource Management (VWRM)
      (2) Kings Transit Authority (KTA)
      (3) Valley Community Fibre Network (VCFN)
      (4) Annapolis Valley Trails Coalition (AVTC)
      (5) Wolfville Business Development Corporation (WBDC)
   b. Internal
      (1) Planning Advisory Committee
         i. RFD 057-2016: MPS Amendment - 5 Blomidon Terrace
      (2) Town and Gown
      (3) Environmental Sustainability
6. Notice of Motion
   a. Devour! The Food Film Fest – Food Truck Rally Fees

7. Staff Reports for Discussion
   a. RFD 062-2016: Traffic Authority Policy 320-004
   b. RFD 055-2016: Easement for Peter Mowat
   c. RFD 056-2016: Dog Control Bylaw, Ch16 - Amendment
   d. RFD 063-2016: Annual Operating Line of Credit
   e. RFD 061-2016: Council Remuneration Review & Policy
   f. RFD 059-2016: Fees Waiving for 336 Main Street
   g. Information Report: Nova Scotia MGA Review

8. Question Period
   Procedure: A thirty-minute time period will be provided for members of the public to address Council regarding questions, concerns and/or ideas. Each person will have a maximum of two minutes to address Council with a second two-minute time period provided if there is time remaining within the thirty-minute Public Input/Question Period timeframe.

9. Regular Meeting Adjourned
From: Canadian Interuniversity Sport - Sport interuniversitaire canadien <ahudes@universitysport.ca>
Sent: Wednesday, August 31, 2016 2:33 PM
Subject: CIS announces nationally-televised Football Game of the Week on City / SIC annonce un programme télédiffusé au niveau national : le Match de football de la semaine sur City
FOR IMMEDIATE RELEASE

CIS announces nationally-televised Football Game of the Week on City

Aug. 31, 2016

TORONTO (CIS) – Canadian Interuniversity Sport announced Wednesday four CIS football games will be televised nationally on City over the course of the 2016 regular season.

The CIS Football Game of the Week, presented by Ontario University Athletics and Atlantic University Sport, will feature four exciting matchups from Sept. 17-Oct. 15, on the road to the 52nd ArcelorMittal Dofasco Vanier Cup, to be played Nov. 26 at Tim Hortons Field in Hamilton.

CIS launches its Football Game of the Week telecast on Sept. 17 from Kingston, Ont. as the Queen’s Gaels host the Western Mustangs in the opening of the new Richardson Stadium. The national television schedule continues Sept. 24, featuring an OUA Yates Cup rematch between Western and Guelph during the Gryphons’ homecoming celebrations, and the annual Panda Game Oct. 1, pitting rivals Carleton and Ottawa at TD Place, in a battle for football supremacy in the nation’s capital.

Playing from behind for three quarters in last season’s conference championship, the Gryphons rallied to win their first Yates Cup title since 1996 with a 23-17 victory over Western. In another thrilling, and high-scoring affair, the Ravens captured their second straight Panda Game a year ago, topping its cross-town rival 48-45 in double overtime.

CIS wraps up its national television coverage on Oct. 15 as Acadia welcomes Mount Allison to Raymond Field for Homecoming.

CIS Football Game of the Week on City Schedule
All games 1 pm ET

September 17: Western @ Queens - new Richardson stadium opener
September 24: Western @ Guelph – Yates Cup rematch, Guelph Homecoming
October 1: Ottawa @ Carleton – Panda Game, TD Place
October 15: Mount Allison @ Acadia – Homecoming

About City
City™ television stations in Toronto, Vancouver, Calgary, Edmonton, Winnipeg, Montreal and Saskatchewan offer viewers intensely-local, urban-oriented, culturally-diverse television programming. A distinct alternative to other conventional television stations, City engages its viewers with dynamic on-air personalities and delivers an entertaining mix of news, local-interactive formats, such as Breakfast Television and Cityline, as well as local Canadian and acquired prime-time entertainment programming. City is part of Rogers Broadcasting Limited, a division of Rogers Communications Inc. (TSX: RCI and NYSE: RCI), which is a diversified Canadian communications and media company. For more information on City stations and programming, visit Citytv.com.

About Canadian Interuniversity Sport
Canadian Interuniversity Sport is the national governing body of university sport in Canada. Every year, over 12,000 student-athletes and 700 coaches from 56 universities and four conferences vie
for 21 national championships in 12 different sports. CIS also provides high performance international opportunities for Canadian student-athletes at Winter and Summer Universiades, as well as numerous world university championships. For further information, visit www.cis-sic.ca or follow us on:

Twitter: http://www.twitter.com/CIS_SIC
Facebook: http://www.facebook.com/cissports
YouTube: http://www.youtube.com/universitysport
Instagram: http://www.instagram.com/CIS_SIC

-CIS-

For further information, please contact:

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1) **Well Maintained and Sustainable Public Infrastructure**

- Highland Avenue construction is winding down. The piping is completed and gravels are being installed. Work is expected to be completed by September 9th. Acadia is aware of the progress and student move-in is scheduled as usual;
- Orchard Avenue construction is underway. The bank at the intersection of Orchard and King Street has been cut back to improve sight lines. Installation of piping has begun and work is expected to be completed by early October;
- Public Works have milled and paved the following streets – Balcom Drive, Bordon Drive, Braemar Drive, Fundy Drive, Grandview Drive (Basinview to Skyway) and Pleasant Street (Riverview to Evangeline);
- Unidirectional flushing of the water distribution system was completed on August 31st;
- Sanitary sewer flushing is scheduled for late September;
- Trails have been cleared at the Nature Trust, Reservoir Park and Millennium Trail. Trees along the earth dam at the Nature Trust will be cut in the fall to maintain the structural integrity of the earth dam;
- Negotiations with the low bidder for the dredging of the lagoon are ongoing and work will be scheduled once awarded;
- The mould issue in the VIC washrooms has been addressed;
- The inspection on the wharf has been completed and a report on condition and required maintenance is expected by early September;
- The asset management contract has been awarded to RV Anderson and work is underway;
- Replacement of the library roof is underway. All existing shingles were removed before new shingle installation begun. Work is expected to be completed by the end of September.

2) **A Diverse, Prosperous and Sustainable Local Economy**

- A meeting was held with organizations related to the wine industry to discuss opportunities for collaboration and promotion;
- The BRE program has started and a few businesses have been interviewed to pilot the survey tool. The WBDC and the Town are coordinating on a “BRE Blitz” to ask four key questions to 75 businesses starting in September;
- The Business Registry is expected to be launched in November;
- Staff held a “Fall Events Review” where 5 signature event organizers (Valley Harvest Marathon, Devour!, Deep Roots, Acadia Athletics and Acadia Performing Arts Series) spoke about their events, visitor profiles and opportunities to the local business community. There were 27 business owners/representatives in attendance and excellent discussion ensued.

3) **Safe, Attractive and Cohesive Neighbourhoods**

- Repairs to the kiosk doors have been completed;
- The pump house in Reservoir Park was painted and it was a fun community event;
Consultations with the business community and people interested in green spaces were completed in July and August as part of the MPS Review;

Surveys for the MPS are now closed. Completed surveys focused on R1 areas, the core area and green space;

An Open House for the West End Lands was held on August 23rd;

The Housing Symposium is being postponed until after Christmas. Further details will follow;

The Wolfville Fire Department had a steady summer of activity. In July, the Department responded to 20 alarms (10 in Town, 7 in the County and 3 silent). Eight of the calls were building alarms and seven were motor vehicle-related. Four evening sessions were devoted to training in the month of July with 285 person-hours expended.

4) Robust Active Living and Cultural Community

The Town’s afterschool programs are now being advertised and we are in the process of hiring a coordinator for the program. There will be three programs, each about 8 weeks in length, starting in October;

Day camp programs ended in August and a report will be forthcoming in September;

Funding agreements in support of the Grants to Organizations are completed with the exception of the Annapolis Valley Trails Coalition, who are currently reviewing the agreement;

Staff are working on amendments to the lease for the Rail Trail;

The Town hosted Mud Creek Days in July. Events were well attended and the overall feedback was positive. Staff debriefed after this event and have developed a series of “lessons learned” to incorporate into next year’s planning.

5) Leadership from a Committed and Responsive Executive and Administrative Team

Audited consolidated and un-audited non-consolidated financial statements were approved by Council on July 19th;

Management has started discussions on the 2017-18 Capital Improvement Plan and on the multi-year operational budget template;

The Nova Scotia EMO Emergency Evaluation of the Town of Wolfville is scheduled for September 8th. An Emergency Measures Advisory Committee meeting is scheduled for September 12th to present an overview of the preliminary results.

6) Operational Updates

The Finance Department has uploaded the 2016/17 budget template to Diamond to allow for monthly and quarterly variance analysis;

Tax bills will be mailed in early September and are due on October 3rd;

Finance staff are working on the following external reports:
  o Final Gas Tax Reporting (Ten Year CIP) – submitted August 26th
  o Statement of Estimates (SOE) – due September 30th
Financial Information Return (FIR) – due September 30th

- The renovations to the front office have been completed;
- The Water Utility Rate Study will take place this fall. The goal is to have the new rate structure in place for the 2017-18 fiscal year;
- A review of tax arrears started during the year-end financial process. Formal tax sale procedures, as per the MGA, will start by mid-September, with an anticipated tax sale date in spring 2017;
- Ipsos Reid has been contracted to conduct the Citizen Satisfaction Survey. This will be completed by telephone in mid-late September. There will also be an online option for residents that do not receive a call to give input;
- Staff have completed checklists for development control;
- Summer student Robyn Gallant finished her term in August. She did a great job helping to organize a variety of events over the summer. We wish her all the best in the future!
- The Community Development section of the website has been updated;
- The Town provided building inspections services to the District of Chester in August. It went well;
- A demolition permit has been issued for the l’Arche building and a building permit/development permit for the renovation has been submitted.

7) Election 2016

- Revisions to the preliminary voters list are complete. Notices were sent to residents on the preliminary list and staff attended a day at the Wolfville Farmers Market for residents to check if they were on the list;
- Voter cards will be distributed in early September identify the times and locations for voting;
- The Town is partnering with the Acadia Student Union to host a candidate’s debate on September 28th. More details will follow;
- Nomination papers will be accepted from September 6th – September 13th;
- The Town is hosting a “What it Means to be a Councillor” panel with former councillors on September 6th. This will take place at Town Hall at 7 pm;
- The Town is hosting a Candidate Information Session on September 15th to review the fall calendar and election requirements;
- Staff are working on the councillor orientation program for the incoming Council.

8) Welcoming Back Acadia Students!

- Welcome Week is upon us! International students moved in on August 31st and attended orientation on September 1st and 2nd. All other students move in on September 3-5th. Academic orientation is September 6th and classes start on September 7th. There will be some events happening all week, with the main activities running from September 7th – September 11th;
- Messaging will/has gone out to the community and the ASU, Town and RCMP have been coordinating in preparation for the week;
• The Town and Acadia Student Union are partnering on an event on September 21st to welcome the students back – “Community Axe Your Doorstep”. This will happen at the Farmers’ Market and will showcase student group activity on campus and musical acts. The intention is for Acadia students to be able to inform the community of the various groups and clubs on campus and how they can relate to the community. The Town will also participate and have relevant information available for students and community members.

This marks the final CAO report for the 2012-2016 Council term! It has been an absolute pleasure to work with Council over the past two years, through both the challenges and the successes. I wish everyone the best in the future and look forward to working with the new Council in October!
UPDATE

The Valley Region Solid Waste-Resource Management Authority met on July 21, 2016 in keeping with the normal meeting schedule.

Staff were directed to move forward with negotiations to extend the landfilling services contract with the Municipality of the District of Chester for an additional 10 years. The current agreement will expire in 2026. Extending the agreement offers a valuable financial opportunity to smooth and ultimately lower per tonne disposal rates by reducing the required annual contribution to fixed closure costs.

The Authority was provided with an exciting, interesting and informative presentation by representatives from Sustane Technologies who are working with the Municipality of the District of Chester on an innovative residual waste recycling project where waste normally destined for landfill will be pelletized into fuel sources.

The Authority has now engaged SPL Development Services Inc., to undertake the anticipated employee salary review. The Authority would like to encourage all partner municipalities contacted to provide supporting information to participate. The Salary Review is being undertaken in follow-up to the recently completed Organization Review, and Service and Facility Review as the Authority continues to look to the future.

The next meeting of the Valley Region Solid Waste-Resource Management Authority is scheduled for Wednesday, September 21, 2016.
Management Minute

Budget Matters

The Valley Region Solid Waste-Resource Management Authority met on July 21, 2016, in keeping with the normal meeting schedule. During the meeting, after serious consideration and in recognition of the potential financial benefit for the Authority, its partner municipalities and taxpayers in the Valley Region, staff were directed to move forward with negotiations to extend the landfilling services contract with the Municipality of the District of Chester for an additional 10 years. The current agreement will expire in 2026. Extending the agreement offers a valuable financial opportunity to smooth and ultimately lower per tonne disposal rates by reducing the required annual contribution to fixed closure costs. The Authority was also provided with an exciting, interesting and informative presentation by representatives from Sustane Technologies who are working with the Municipality of the District of Chester on an innovative residual waste recycling project where waste normally destined for landfill will be pelletized into fuel sources. More information on this very exciting venture will be released as it becomes available.

Employee salary review

The Authority has now engaged SPL Development Services Inc., to undertake the anticipated employee salary review. The Authority would like to encourage all partner municipalities contacted to provide supporting information to participate. The Salary Review is being undertaken in follow-up to the recently completed Organization Review, and Service and Facility Review as the Authority continues to look to the future.
UPCOMING MEETING

The next meeting of the Valley Region Solid Waste-Resource Management Authority will be held in keeping with the normal meeting schedule on Wednesday, September 21, 2016 beginning at 9:00am in the Board Room.
UPDATE

The General Manager’s Report for July 2016 has been attached for your information.

During the month of June, passenger trips throughout the service exceeded the projected total by .72%. Year-to-date ridership has exceeded projections by .09%

Electric bus manufacturer BYD showcased a new fully electric bus at Kings Transit’s Garage in New Minas, Wednesday July 27th. BYD has been in business since 1995, since the beginning they have developed solar farms, energy storage stations, electric vehicles, LED, electric forklifts etc.

Kings Transit’s Board of Directors will meet again on September 28 2016.
KINGS TRANSIT AUTHORITY

Regular Board Meeting

July 26 2016

Kings Transit’s Office in New Minas, NS @ 5:30 pm

1. Welcome
2. Approval of Agenda
3. Approval of Minutes
4. Board Chair Update
5. General Manager’s Report
6. Ridership Report
7. Financial Report
8. Old Business
9. New Business
10. Correspondence

Next Board Meeting will be held September 28, 2016 @ 5:30 pm
The regular board meeting of Kings Transit Authority was held on the above date at 5:30 pm at Kings Transit Authority – New Minas.

**PRESENT**

Board Chair, Mercedes Brian, Town of Wolfville  
Pauline Raven, Municipality of Kings County  
Patricia Bishop, Municipality of Kings County  
Wayne Atwater, Municipality of Kings County  
Mark Pearl, Town of Kentville  
Diane Leblanc, Municipality of Annapolis County  
Wayne Fowler, Municipality of Annapolis County  
Don Regan, CAO, Town of Berwick  
Linda Gregory, Warden, Municipality of Digby County

**KTA STAFF**

Stephen Foster, General Manager  
Tanya Morrison, Office Coordinator

**REGRETS**

Vice Chair, Anna Ashford-Morton
1. CALL TO ORDER

Chair Mercedes Brian called the meeting to order at 5:39 p.m.

2. APPROVAL OF AGENDA

Remove item #10 “Correspondence” from the agenda.
Next meeting date changed to July 26, 2016

Added to “New Business” – Director and Liability Insurance

MOVED AND SECONDED TO APPROVE THE AGENDA AS AMENDED.

MOTION CARRIED

3. APPROVAL OF MINUTES

Minutes were missing discussion regarding ways to help increase ridership to offset cost of the Wi-Fi equipment to attract new customers.

MOVED AND SECONDED TO APPROVE THE MINUTES OF MAY 25, 2016 WITH ADDITIONS.

MOTION CARRIED

4. BOARD CHAIR UPDATE

Ms. Brian attended the Community Transit Association Conference with Mr. Foster and Councillor Raven; the discussion that she found the most interesting was the point to point services and the constraints that they are required to operate within. She also mentioned an article that she received written in “The Coast” titled “Why Public Transit Should Be Free” that will be circulated to members for information purposes.

5. GENERAL MANAGER’S REPORT

Transit Education Coordinator

Approval has not yet been posted from the Province to promote the new position. The position will be a 30 week term.

Year End Audit
Grant Thorton has been doing work getting material ready for the audit on June 27th. Audit Committee will meet on June 23rd @ 9:00 am at the KT facility.

Federal Funding

Deadline for funding is March 31, 2016. Mr. Foster is working on gathering information and whether monies need to be spent by the deadline.

Mr. Foster is still unsure of costs coverage for the Federal funding. There is 32 million dollars available to NS transit organizations. When asked about the plan for spending KT’s portion of the funds Mr. Foster said he will be using the Capital Spending Plan to decide what purchases will be made. He also suggested that he would like to get an assessment done on the Kings Transit building, to make plans for upcoming required repairs or upgrades.

Mr. Foster would like to install an accessible bus bay at the Kings Transit Facility. The bay would make it easier for wheel chairs to load and unload at the terminal as well as make the building more accessible for wheelchair passengers travelling between Kings Transit and The Maritime Bus. There is currently a Federal Accessibility Fund which Mr. Foster will be applying for to assist in the cost of the new bus bay.

There was discussion around the $375,000 Provincial Capital Funds that were previously available. The funds were a three year commitment, Mr. Foster is unsure if funds will be available after this year for future Capital purchases.

Recommendation

Mr. Foster is to bring his recommendations for use of the Federal Funds. Board requests to have information before the next meeting on July 26th.

Municipality of Digby bus

Bus #58 body repairs and painting are now complete and the bus will be arriving back at Kings Transit on June 23rd.

MOVED AND SECONDED TO RECEIVE THE GENERAL MANAGER’S REPORT.

MOTION CARRIED

6. RIDERSHIP/REVENUE REPORT

Ridership

Ridership for May is up .01%, with revenue up .28%
Overall ridership for the YTD is up .97%, with revenue being slightly down by .65%.

Board members would like the Ridership report to be shown in graph form, with budgeted amounts added to the report. The Board also requests to have the Community Services sheet removed from the board report.

Discussion around the possibility of adding some “ride free” days to the core buses to increase ridership. No final decisions were made on this topic.

MOVED AND SECONDED TO RECEIVE THE RIDERSHIP/REVENUE REPORTS.

MOTION CARRIED

7. FINANCIAL REPORTS

Digby and Annapolis County financials were handed out. The financials presented as of March 31, 2016 were unaudited. Kings County financials were not included at this time, as the Finance Director was not available to present the year end financials to the Board.

Annapolis East & Annapolis West combined had a deficit of $4,000 for the year.

Digby County is showing a deficit of $6,400

8. OLD BUSINESS

Total Cost of Wi-Fi for Entire Service

The original hardware that was purchased for the Digby bus at a cost of $800 is no longer available. The new hardware has a higher cost of $1264, but is more rugged and better suited for use on the buses. The monthly service cost for the Wi-Fi would be $73.60 per month per bus. The core route would require 5 units at $1264 each (one time cost) and a monthly cost of $73.60 per bus. The Provincial standing offer has been approved and could lead to a potential $10 savings per month per Wi-Fi unit.

MOVED AND SECONDED TO INSTALL HARDWARE FOR WIFI FOR 5 CORE BUSES AT $1264 PER BUS AND ALSO ONGOING OPERATING COSTS FOR WI-FI ON THE BUSES OF $73.60 PER BUS PER MONTH.

MOTION CARRIED

Mr. Foster is hoping to have a start date of September 1st for the Wifi on the buses.
Audit Committee Meeting

Item already discussed during the GM report.

A discussion about the importance of having Kings Transit connected to the Valley Fibre Op network took place. Currently Kings Transit is unable to have real time access to financial information. Connecting to the Fibre Op network would alleviate this problem. Board members direct Mr. Foster to find documentation to confirm that the expense to connect is under the Capital Budget.

9. NEW BUSINESS

Fare Increase

Mr. Foster recommended a cash fare increase to $4.00 and a child cash fare increase to $2.00. He recommends leaving the current ticket prices at $30 for an Adult sheet of tickets, and $19 for a sheet of Senior/Student tickets.

Board members wish to hold off on implementing a fare increase at this time.

Directors Liability Insurance

Digby County requests proof of Directors and Liability Insurance for all boards and committees associated with the County. It was discovered that the insurance would not apply because the partners are not Directors on Kings Transit’s Board.

ADJOURNMENT

Meeting adjourned at 7:34 p.m.

MOVED AND SECONDED TO ADJOURN

MOTION CARRIED

NEXT MEETING DATE

The regular scheduled board meeting on the fourth Wednesday of every month is rescheduled for July’s meeting to the following date:

Next meeting will be held July 26, 2016 at 5:30 pm

__________________________                  ___________________________
CHAIRPERSON                                                      SECRETARY
KINGS TRANSIT AUTHORITY
SPECIAL FEDERAL FUNDS MEETING-MINUTES
July 6, 2016

The special budget meeting of Kings Transit Authority was held on the above date at 1:30 pm at Kings Transit Authority – New Minas.

PRESENT

Board Chair, Mercedes Brian, Town of Wolfville
Vice Chair, Anna Ashford-Morton, Town of Berwick
Mark Pearl, Town of Kentville
Patricia Bishop, Kings County
Pauline Raven, Kings County
Wayne Atwater, Kings County
Kim McKeough, Finance Director, Town of Berwick
Stephen Foster, General Manger

DISCUSSION RE: FEDERAL FUNDING GRANT

The board members met to discuss the $600,000 available to Kings Transit via the Federal Transportation Grant. The funds are available at a 50/50 cost share for capital purchases. In order to access the $600,000 available, Kings Transit must spend $600,000 of money from the Authority’s reserves.

Projects that are currently approved are; the purchase of new cameras for the buses at a cost of $26,500, and the purchase of a new bus at $500,000. Budgeted items for the current year are not eligible for submission with the grant.

Funds Available to Kings Transit

The exact amount of KT’s portion of available federal funds is $630,323.

Total Funds Available to KTA $535,000

KTA has access to $265,000 of the $375,000 allotted from the provincial transit funds, and $80,000 x two years capital contributions paid to Kings Transit by the core partners as per budget and service agreements; with an additional $110,000 from the partners’ portion of the provincial funds.
RECOMMEND THAT THE APPLICATION FOR PUBLIC TRANSIT INFRASTRUCTURE FUNDS INCLUDE THE FOLLOWING CAPITAL ITEMS AT A TOTAL COST OF $1,195,500:

PURCHASE OF (2) NEW BUSES - $900,000
SOFTWARE ON BOARD BUSES - $200,000
FIBRE OPTIC CONNECTION - $30,000
CAMERAS FOR BUSES - $26,500
SHELTERS (2) – $30,000
WI-FI FOR BUSES – $9,000

THE BOARD AGREES TO FINANCE THE DIFFERENCE OF FUNDS NOT COVERED BY THE CAPITAL FUNDS.

MOVED BY ANNA MORTON AND SECONDED BY WAYNE ATWATER

MOTION CARRIED

__________________________________________  _______________________________________
CHAIRMAN                                                   SECRETARY
Year-end Audit - The Annual Year-end Audit is underway. The field work has been completed and we are just waiting for a final report.

Syrian Families - Thursday, many of the Syrian families have begun English classes at Acadia. I traveled to Acadia on the bus with two of the families and their support workers. We discussed the schedule and where they can access the bus to get home.

Advertising - the new K-Rock ad is ready to go and will be launched in the coming days

Google Transit - King Transits in the final stages of loading data to Google Earth. This Project is a joint effort between Kings Transit the Ecology Action Center and Dalhousie University. We experienced delays in the project when the Original group of Dal students working on the project graduated; building the new team has taken some time. Kings Transit is expected to be live in early August.

Free Service – The Municipality of Digby ran free service during Lobster Bash and Canada Day, 48 people used the service to travel between Cornwallis and Weymouth to take in Canada day events.

Provincial Public Transit Funds - A letter has been sent to Municipal Affairs Minister Zach Churchill’s office requesting this year’s Provincial Transit Funds.

Wi-Fi - The equipment has been ordered for the buses.

Federal Funds - A list of projects has been submitted to the federal government applying for Kings Transit’s $630,000 portion of the funds.

Accessibility Grant - Kings Transit has applied for a grant for 50% of the cost of the installation of an accessible bus stop for the New Minas terminal.
# Ridership Report

**As of June 30, 2016**

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<th>ACTUAL</th>
<th>VARIANCE</th>
<th>PERCENTAGE</th>
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<th>ACTUAL</th>
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<td>88,848</td>
<td>84</td>
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### June 2016 vs Budget

![Bar Chart: June 2016 vs Budget](chart1)

### Year to Date vs Budget

![Bar Chart: Year to Date vs Budget](chart2)
**Monthly Passenger Trips**

During the month of June passenger trips throughout the service exceeded the projected total by .72%. Year to date ridership has exceeded projections by .09%

**New Game Gets People on The Bus**

There’s a new phenomenon hitting the streets and it’s getting people on the bus. The Pokémon Go game series offered on android and I-phones forces gamers to get out explore towns where they live while hunting more than a hundred species of Pokémon. According to Local Gamers, there are many spots on the bus route where Pokémon’s can be caught.

**Spare Bus Refurbished**

The Municipality of the County of Digby has just gotten their bus back from a six week refurbishment. The 2007 30’ low floor bus received new body panels and paint. The body job will increase the useful life of the bus 4-5 years. The paint and bodywork was made possible with the use of Provincial Transit Funds

**Electric Bus to Visit Kings Transit**

Electric bus manufacturer BYD will be showcasing a new fully electric bus at Kings Transit’s Garage in New Minas, Wednesday July 27th at 10AM. BYD has been in business since 1995, since the beginning they have developed solar farms, energy storage stations, electric vehicles, LED, electric forklift, etc. BYD has nearly 180,000 employees and 22 industrial parks globally with an area nearly 17,000,000 square meters. Kings Transit and BYD encourage anyone interested in taking a look at the fully electric bus to drop by between 10 and 11 am.
UPDATE

The Annapolis Valley Trails Coalition (AVTC) had their last board meeting on August 24, 2016. At this meeting, the board discussed:

1. The Greenwich section of the trail is passable, but still facing damage from erosion. Design work is underway and construction is slated for early spring 2017. Construction will close this portion of the trail for approximately two months.

2. The crossing at the 358 intersection has been identified as a hazard. The trail is hidden from motorists, creating a risk of collisions. A number of options were proposed to address this:
   a. Stop signs on the gates leading up to the intersection
   b. Warning signs on the trail leading up to the gates
   c. Clear back trees to create a more direct line of sight to the trail for motorists

3. The Harvest Moon Trailway is passable from Wolfville to Round Hill now.

4. Signage
   a. The design for the signs is complete and Kentville will be the first community to install them. After the first batch of signs is installed, installation will start rolling out to other communities.
   b. Action for Wolfville: identify where signs will go along the section of the Harvest Moon Trailway that falls within town borders, as well as what pieces of information will be on them.
   c. The larger interpretation panels are still being researched. A design is available, but the AVTC is reviewing costs now. The panels will follow a set design to keep consistency along the Harvest Moon Trailway, but we will be able to identify what text and other pictures we want included on the panel that falls within town borders.
   d. A meeting of the Destination Trail Committee is scheduled for September 15, 2016 where trail signage will be discussed in more detail.

5. The next AVTC meeting will be on September 22, 2016.
UPDATE
The WBDC Board of Directors met on July 20, 2016.

1. The WBDC is undertaking multiple marketing and promotion initiatives that all fall under an umbrella campaign called “Do it in Wolfville”:
   a. The board approved contracting Wes Booth to curate a Twitter and Instagram promotion program, using the handle #doitinWolfville for 18 weeks. The aims of the campaign are to:
      i. Inform people about the latest business community happenings
      ii. Create a buzz that Wolfville is “open for business”
      iii. Build engagement with potential visitors as well as residents
      iv. Continue to brand Wolfville as a shopping destination with a unique experience
   b. Three (3) “Do it in Wolfville” billboards have been erected in Amherst and on Barrington Street and Windmill Road in Halifax. The aims are to:
      i. Show “Wolfville as a happening place, known for boutique shopping and services, an active lifestyle and filled with super spots to dine and enjoy a glass of wine.”
      ii. Encourage those outside of Wolfville to visit, shop, and dine.
   c. The Board approved purchasing ad space in the GrapeVine to feature photos of locals and visitors “doing it in Wolfville” that will run for four (4) months.
   d. The board discussed hanging a #doitinWolfville street banner during Welcome Week.

2. The board decided not to invest in a holiday promotion book this year. The feedback from the business community about the book has not been positive for the last few years.

3. The board has decided to host social gatherings for businesses approximately once per month. WBDC board members will invite other business owners not currently engaged in an effort to hear from them and encourage them to become more involved in the business community.

4. The WBDC has added a “Taking the Pulse” agenda item to meetings to discuss what each member is hearing from local business owners with respect to economic and business development.

5. The WBDC in partnership with Troy Restaurant, the Town, and the CBC will be holding a free screening on the Tragically Hip concert on August 20 in Clock Park. Activities will start at 4 PM with the show being live streamed at 9:30 PM.

The next meeting of the WBDC Board of Directors will be held August 17, 2016.
UPDATE

The Planning Advisory Committee met on August 25th, 2016 for an all-day MPS review session.

Key Items put forward on the agenda included the following:

MPS Review

- **Revised Phase II Schedule**
  The housing symposium will be rescheduled to January and Staff expect to have final drafts ready for COTW review by late April.

- **Summary Of Consultations**
  - Public Open House (*June 23rd*) – Discussions between attendees and Staff focused primarily on residential and commercial concerns relating to up/down zoning, accessory dwelling units and the range of permitted uses in the C-2 and C-4 zones.
  - Young Families (*June 22nd*) – Staff heard that young families place value in public parks / green spaces and are attracted largely to ground-oriented semi or detached dwellings.
  - R-1 Property Owners (*July 18th*) – “Personal Offices” in the R-1 zone were supported by attendees and discussion focused primarily on how best to permit this use. Rental operations such as Airbnb were also of concerns to residents, which are not permitted but traditional lodging arrangements remain acceptable.
  - Live / Work Transition Zone (July 25th) – Discussions focused on how this zone will facilitate home businesses and led Staff to tighten their focus on issues relating to down-zoning, rental situations and the Residential Rental Business Bylaw.
  - Local Business Community (July 18th) – The moratorium received support and discussion on the C-2 Zone indicated that there may be no incentive for landlords to move towards establishing commercial spaces. Attendees would also like to see parking requirements for downtown commercial developments remain as they are currently.

- **Environmental Constraints Map**
  A new database consisting of more recently collected data was used to develop the constraint overlays for the draft MPS using a more accurate modelling technique. Staff are giving special consideration to the floodplain data and recommending stronger policy around source water protection as well as risk-management considerations for future floodplain developments. Staff will consult with floodplain property owners in developing their policies while also looking to the Source Water Protection Advisory and Environmental Sustainability Committees for guidance on environmental constraints.
• **Parking Downtown / Cash-in-lieu**
  Staff’s recommendation to include parking / payment in-lieu requirements for the developments over 2000 sq.ft. in the C-1 zone were positively received provided that cash-in-lieu would be allocated to developing additional municipal parking. The parking management study should address many primary concerns such as residential parking in the downtown and best practices for improving or expanding parking capacity in the downtown.

• **Future Commercial Development Overlay**
  Implementing a secondary plan for the overlay area and utilizing Bill 177 to create incentives for future commercial development within this area were positively received; however, there were concerns for businesses operating outside of this zone and Staff will research best practices for including them in the incentive program. The potential of the residential area north of Railtown for redevelopment was also discussed and Staff will consult with property owners to gain their perspective on future redevelopment.

• **The Live / Work (C-2) Zone**
  The general consensus of the Committee was to rezone (R-2) pull the properties in question into the residential core area through the use of incentives that would facilitate robust home businesses specifically within the core area. It was noted that incentives for landlords to move from the student rental market to supporting home-based commercial uses would be useful.

• **Personal Offices**
  Staff’s recommended approach to addressing “Personal Offices” through a permitting system that would limit businesses to one client at a time was positively received by the Committee whose major concerns were the impact of additional traffic within the R-1 neighbourhoods and considerations that should be made toward hours of operation and compiling a list of permitted uses. There was also support for renaming the definition – “Business Office”.

The next Planning Advisory Committee will take place on September 28th, 2016.
SUMMARY

The property owner of 5 Blomidon Terrace is seeking to amend the Municipal Planning Strategy and Land Use bylaw in order to legalize 3 units built without permits. Attached to this report, in Schedule A, are proposed amendments to the MPS and LUB that would enable the property owner to seek permits for the 3 units in question. PAC has considered the application, held a public participation meeting, received a staff report which presented options for consideration and is providing a recommendation to Council.

DRAFT MOTION:

That Council give First Reading to the resolution attached in Appendix A to re-designate 5 Blomidon Terrace from Low Density Residential to High Density Residential and also change the zoning from R1A to R2/HD and forward to a Public Hearing on September 27, 2016
1) CAO COMMENTS
Not Required

2) LEGISLATIVE AUTHORITY
Council has the authority to amend the Municipal Planning Strategy as established in Part 8 of the Municipal Government Act

3) STAFF RECOMMENDATION
Staff recommends that Council give First Reading to the attached resolution and forward the amendments to a public hearing.

4) REFERENCES AND ATTACHMENTS
• PAC report regarding 5 Blomidon Terrace
• PPM minutes for 5 Blomidon Terrace Application

5) PURPOSE OF REPORT
To review the recommendation from PAC regarding 5 Blomidon Terrace.

6) DISCUSSION
The applicant is applying to legalize 3 additional units built without permits at 5 Blomidon Terrace, making a total of 7 units. The MPS and LUB does not allow for this level of density and therefore, the MPS and LUB must be changed to accommodate the total of 7 units.

On October 21, 2014 this issue was brought to Council through RFD 061-2014 at which time Council passed the following motion:

04-10b-14: IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL ALLLOWS THE MPS APPLICATION FOR 5 BLOMIDON TERRACE CURRENTLY ZONED R1-A AND SUBJECT TO THE REQUIREMENTS THAT MR. MESSOM ENGAGE A PLANNING CONSULTANT TO PROVIDE ANALYSIS AND OPTIONS TO THE DIRECTOR OF PLANNING SERVICES TO RESOLVE THE SITUATION. CARRIED.

The applicant submitted an application and staff presented a report to PAC on June 29th. A Public Participation Meeting was held on July 27th, 2016, to discuss the application and options with the public. PAC considered the input of the public, the staff report and the relevant policies of the MPS and LUB and made the following motion:

IT WAS REGULARLY MOVED AND SECONDED THAT THE PLANNING ADVISORY COMMITTEE PROVIDES A POSITIVE RECOMMENDATION TO THE DRAFT AMENDMENTS FOR 5 BLOMIDON TERRACE.
History:

The subject property is currently designated Low Density Residential and zoned Low Density Residential R1-A. This zone allows “existing multi-unit dwellings” but this property does not qualify as “existing” because it did not receive the necessary permits when the additional units were constructed prior to the date of the current MPS/LUB (2008). The building also cannot be considered “non-conforming” for the same reason.

During the time of the construction of the three illegal units, the subject property and adjacent properties were zoned Medium Density, which permitted multi-unit buildings to a maximum of four units and encompassed existing multi-unit buildings that contained up to eight units. Under the current MPS/LUB the area is zoned Low Density Residential R1-A.

Options presented to PAC:

<table>
<thead>
<tr>
<th>Option</th>
<th>Discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Take no action</td>
<td>This would leave the property in an illegal state and cause difficulties to the property owner regarding financing and selling. It would also put pressure on Town Council to have the illegal status rectified by having the three units removed or brought into compliance by amending the planning documents. Staff would take enforcement action to have the units removed.</td>
</tr>
<tr>
<td>2. Make area-wide MPS and LUB amendments as part of ongoing Plan Review process</td>
<td>The draft MPS/LUB documents are recommending that this area be changed to allow higher density development. The plan review still has several months before completion.</td>
</tr>
<tr>
<td>3. Make Site Specific (spot zoning, PID specific) MPS and LUB Amendments at this time rather than wait for full plan review</td>
<td>This is the option recommended by Planning staff.</td>
</tr>
</tbody>
</table>

PAC chose option 3, which is the recommendation to Council.

7) **FINANCIAL IMPLICATIONS**

If Council does not amend the MPS and LUB, enforcement activity will commence which may result in legal costs.

8) **REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS**

N/A
9) COMMUNICATION REQUIREMENTS

If the application goes to a public hearing, then an ad will be placed in the paper and residents within 100 metres of the property will be notified.

10) ALTERNATIVES

- No forward the amendment on to a public hearing. This would result in enforcement action.
ATTENDING
Chairperson Deputy Mayor Wendy Donovan, Mayor Jeff Cantwell, Councillor Mercedes Brian, Councillor David Mangle, Paul Cabilio, Scott Roberts, Robert Barach, Director of Community Development Chrystal Fuller and Recording Secretary James Collicutt

ALSO ATTENDING
Six members of the public

CALL TO ORDER
The meeting was called to order at 1:30 PM.

1. STAFF PRESENTATION
Staff began the presentation on the Blomidon Terrace application by explaining the plan amendment process and the purpose of the PPM before providing an overview of the application’s key points of interest.

- Permit issued in 1995 for four units.
- Sometime between 1998-2006 three additional units were constructed without permits.
- Maintains the look on a single-family home and has parking in the rear.
- Staff were made aware of the illegal units when a request for civic numbers was made.
- Order to demolish was issued in 2014.
- Council directed Staff to allow the property owner to make an application for a PA in 2015.

Staff noted that when the building was constructed in 1995 the zoning bylaw at the time would have permitted a 7 unit apartment building. The current MPS review proposes to create a higher density zone in the Blomidon Terrace area but it has not yet been approved by Council. PAC was presented with three options and recommended a site-specific amendment to allow seven units as-of-right.

2. PUBLIC COMMENTARY
Juan Jachimowicz – resident of Falmouth and representative of company that owns property at the corner of Blomidon Terrace and King Street.

- Encouraged by the proposed changes to the MPS for the area as the corner lot is vacant and the company would like to be able to build something there that fits with the surrounding uses and therefore not representative of R-1A. Asked Staff to clarify the applicability of the amendment for this application to the draft MPS. Staff responded in saying that the intention of the draft MPS as it stands is to make this area a higher-density designation but that making a “blanket” amendment to the area at this moment is not being recommended.

At this point there were no further questions or comments and the meeting was adjourned at 1:45 PM.

As recorded by James Collicutt, AA Community Development
5 Blomidon Terrace
Town of Wolfville

MPS/LUB Draft Amendments

Amend the Municipal Planning Strategy:

1. Add the following paragraph shown in italics as a second paragraph in section “8.3 HIGH DENSITY RESIDENTIAL” of the Municipal Planning Strategy.

*Blomidon Terrace has historically been designated High Density Residential on both sides of the street. Currently, all properties on the west side of Blomidon Terrace are designated and zoned High Density Residential. One property on the east side of Blomidon Terrace, civic #5 (PID 55350995), shall also be designated High Density Residential (HDR) and zoned R-2/HD and be allowed to have a multiple unit building with a maximum of seven units as-of-right without a development agreement.*

2. Add a new Policy 8.3.3a as follows:

*Notwithstanding Policy 8.3.4, it shall be the intention of Council to designate and zone the property at 5 Blomidon Terrace (PID 55350995) as High Density Residential. A maximum of seven units shall be permitted on this property as-of-right without a development agreement.*

3. Amend the Future Land Use Map – Map 1 to indicate that the property at 5 Blomidon Terrace (PID 55350995) is designated High Density Residential (HDR), shown below.
Amend the Land Use By-law:
1. In Part 9 High Density Residential (R-2/HD) Zone, add to the bulleted list under “9.1 Permitted Developments” a new bullet point shown below in italics:

- *Multi-unit dwelling, to a maximum of 7 units, located at 5 Blomidon Terrace (PID 55350995).*

2. Amend Schedule “A” Zoning Map to indicate that the property at 5 Blomidon Terrace (PID 55350995) is zoned R-2/HD, as shown below.
UPDATE

The Town & Gown Committee met on Tuesday, July 26, 2016.

Highlights from the Action Plan Update were as follows:

a. Research and Implement Best Practices:
   • To explore housing issues more in-depth, a one-day Housing Symposium is being coordinated to have small groups with specific knowledge of a problem, review, debate and refine specific issues related to housing
   • The Housing Symposium will be broken into four streams:
     o Social Integration of Seniors and Students/ Young People in Wolfville
     o Affordable Housing
     o Residential Rental Business Bylaw
     o Downtown re-development supporting age friendly community opportunities

b. Promote Neighbourhood Connections
   • No specific updates to report on this agenda item

c. Development of Partnership Agreement for Facilities
   • In terms of Partnership Agreement to provide community access to recreation facilities at Acadia University, that will come as a result of the Facilities Assessment that the Town did with Acadia’s strong participation. The Facilities Assessment Report is slated to go to Council in September

d. Event Coordination
   • Highlights of Welcome Week for Acadia University were discussed

e. Provide input on Key Bylaws/Policies
   • Updates on the Prevention of Excessive Noise Bylaw, Ch64, and the Dog Control Bylaw, Ch16 were provided to the Committee

ASU/Acadia University Updates to the Committee included:
• CIS Championships – November 2016
• Community Alcohol Project – Partners Shifting the Culture of Alcohol (CAPPSCA)
• Welcome Week Overview 2016

The next meeting of the Town & Gown Committee is scheduled for Tuesday, September 27, 2016
UPDATE
The Environmental Sustainability Committee met on Monday, August 15, 2016

CAO outlined the schedule for Council’s Strategic Plan (late Fall 2016) and how the Committee will fit into the strategic planning exercise to take place December 13-14. The Committees role will be to:

a. inform Council of environmental sustainability issues or principles they should be aware of that could be incorporated into the strategic plan; and
b. discuss with Staff and report back on Council’s 4-year operating plan.

The Committee discussed the following priorities:

- Consider overlaying the difference approaches (The Natural Step (TNS), Cittaslow, etc.) to analyze and realize the differences between them.
- Consider the two frameworks for sustainability, both corporately and community based focuses – look at Halifax’s ‘Solar City Model’.
- Create an asset management plan for corporate delivery – corporate policy. Retrofit all corporately owned buildings.
- Sustainable Neighbourhoods - help residents retrofit their older homes with grant monies to increase efficiency (PACE – Property Assessed Clean Energy, LICs – Local Improvement Charges).
- Use assets we know we have access to (ie. Efficiency NS).
- Connect with the Acadia students in the Facebook group “People Who Give a ****” to include them in some conversations/projects of the Committee.
- Re-certify as a Fairtrade Town, with help from Acadia whose food contract is ending this year.
- Explore alternatives for winter sidewalks - too much salt on sidewalks in winter.
- Revisit The Natural Step and make a decision as to whether it’s still a useful tool moving forward (training in The Natural Step possibility in the Fall). Edith Callahan could also provide some training here.
- Re-examine the combination of Municipal Planning Strategy (MPS) and Integrated Community Sustainability Plan (ICSP).
- Partners for Climate Protection program – on milestone 1 for both corporate and community categories – town has actually completed milestone 2 but the Town’s progress has yet to be updated.
- Community education needs to be a priority and the committee members as ambassadors within the community. Staff may be able to provide a framework for community interactions as a committee.
- Understand more about the economic priorities of the past.
- Look at local, sustainable economic development in terms of a future in which global commodity trade is not commonplace.
• Explore alternative energy initiatives for residents and the Town in terms of capital purchases and town building upgrades.
• Establish a link between the community and the committee so that information/ideas can flow in both directions.
• Look at reviving some of the projects from the past that have fallen to the wayside.
• On an ongoing basis, Staff to provide the Committee with information on upcoming major developments so that they could provide some suggestions/information to developers in the initial stages.

Future meeting schedule:

• Sep 7 – 12:00 to 1:30
• Oct 5 – 12:00 to 1:30
Request for Agenda Item

(Insert Item Title)

Submitted by:

Submitted on:

The Request for Agenda Item form is to be used by the Mayor and Councillor’s to request an item to be added to the Committee of the Whole agenda for consideration. All Request for Agenda Item forms should be submitted at least 10 BUSINESS DAYS prior to the scheduled Committee of the Whole meeting to the Chief Administrative Officer. Exceptions may be made for extraordinary circumstances.

Date of Committee of the Whole requested: Sept 6, 2016.

Recommendation(s)

(provide the recommendation(s) and/or motion that you would like Committee of the Whole to forward to Council for consideration)

Move to waive permit fees for Food Trucks during signature events. i.e.: Devour! until review by staff is completed.

Summary

(provide a Brief description of item/background for this request)

Devour!: Food Truck Assn. of N.S. plan to boy eat festival.

Expected Outcome:

- In Camera Discussion
- For information/discussion purposes only
- Recommend an action to the CAO
- Promote clarification/renewal or production of a policy or procedure
- Recommend a motion for approval by Council

[Signature]
SUMMARY

Traffic Authority Policy 320-004

The purpose of this RFD is for Council to consider approving Policy 320-004 with regards to the appointment of the Director of Public Works and Parks as the Traffic Authority for the Town of Wolfville, with the RCMP Sergeant serving as the Deputy Authority.

DRAFT MOTION:

That Council approve Policy 320-004, Traffic Authority for the Town of Wolfville
1) CAO COMMENTS
The CAO supports Policy 320-004 for the appointment of the Director of Public Works and Parks as the Traffic Authority for the Town of Wolfville and the RCMP Sgt as Deputy Traffic Authority.

2) LEGISLATIVE AUTHORITY
The Nova Scotia Municipal Government Act, Section 311, states that Council may, by Policy, appoint a traffic authority for all or part of the municipality.

The Nova Scotia Motor Vehicle Act, Section 86(6), requires that the Traffic Authority to be the Town Manager, the Chief of Police, or some other official of the Town.

3) STAFF RECOMMENDATION
Staff recommends that Council approve Policy 320-004 Traffic Authority for the appointment of the Director of Public Works and Parks as the Traffic Authority for the Town of Wolfville and appointment of RCMP Sgt as Deputy Traffic Authority.

4) REFERENCES AND ATTACHMENTS
   - Nova Scotia Municipal Government Act (MGA)
   - Nova Scotia Motor Vehicle Act (MVA)

5) PURPOSE OF REPORT
To provide Council the background information to support Council’s decision in approving Policy 320-004 for the appointment of the Director of Public Works and Parks as the Traffic Authority for the Town of Wolfville.

6) DISCUSSION
The Motion to appoint Wolfville’s Chief of Police as Traffic Authority was put before Council in February 1996. Since the transition to RCMP Policing, Sgt Power has taken on the role as Traffic Authority for the Town of Wolfville.

In reviewing the appointments for Municipal Traffic Authorities throughout Nova Scotia, there is no standard appointment with regards to the position being that of Police or Director of Public Works, specifically, only 17 of 40 municipal Traffic Authority appointments are appointed to Police/RCMP staff.

In discussing the appointment of a Municipal Traffic Authority with the South West Nova Provincial Authority for Nova Scotia, Sgt Power was informed that the duties of a traffic authority would better be suited to someone with an engineering background instead of a policing background.
Based on the Director of Public Works and Parks’ Engineering background and focus on the Town of Wolfville, this position is best suited to take on the role as Traffic Authority, with the RCMP Sgt assuming responsibilities for Deputy Traffic Authority.

7) **FINANCIAL IMPLICATIONS**

Not Applicable

8) **REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS**

Strategic Priority 5: Efficient and Effective Leadership from a Committed and Responsive Executive and Administrative Team

9) **COMMUNICATION REQUIREMENTS**

Once Policy 320-005 is approved by Council for the Appointment of the Director of Public Works and Parks as the Traffic Authority for the Town of Wolfville, the approved Policy will be posted to the Town of Wolfville’s Policy Website and announced via Social Media (Twitter/Facebook)

10) **ALTERNATIVES**

Council could decide to retain the RCMP Sgt as the Town of Wolfville’s Traffic Authority with the Director of Public Works and Parks retained as the Deputy Traffic Authority
1.0 Purpose
To appoint the Town of Wolfville’s Traffic Authority and Deputy Traffic Authority.

2.0 Scope
This Policy is applicable to all those within the Town of Wolfville, citizens and staff, who deal with Traffic Authority issues.

3.0 References
3.1 Nova Scotia Municipal Government Act (MGA)
3.2 Nova Scotia Motor Vehicle Act (MVA)

4.0 Definitions
4.1 CAO is the Chief Administrative Officer for the Town of Wolfville
4.2 Director Public Works is the Town of Wolfville Director for Public Works and Parks
4.3 RCMP Sgt means the RCMP Kings Detachment Sgt
4.4 Traffic Authority is the appointed Traffic Authority for the Town of Wolfville

5.0 Policy
5.1. As outlined in the Nova Scotia Municipal Government Act, Council may, by Policy, appoint a traffic authority for all or part of the municipality.

5.2. The Nova Scotia Motor Vehicle Act requires the Traffic Authority to be the Town Manager, the Chief of Police, or some other official of the Town.

5.3. The Traffic Authority position under the Motor Vehicle Act is structured such that there is no right of appeal. Council does not have a supervisory role over decisions that fall within the purview of the Traffic Authority.

5.4. It is the Policy of the Town of Wolfville that the Director of Public Works & Parks be appointed as the Traffic Authority for the Town of Wolfville. The Deputy Traffic Authority for the Town of Wolfville will be the RCMP Sergeant
5.5. The responsibilities of the Traffic Authority are focused on the safety and regulation of streets.
SUMMARY

APPROVAL OF ACCESS EASEMENTS

For Council to consider the approval of the draft access easement agreements for Lot PM-1, 90 and 96 Main Street.

DRAFT MOTION:

That Council approve the draft access easement agreements for Lot PM-1, 90 and 96 Main Street.
1) CAO COMMENTS
The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY
On January 26, 2016, Council approved amendments to the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) to enable access to an existing property without frontage through an access easement from a Public Authority:

a. RFD 083-2015 EXISTING LOTS WITHOUT FRONTAGE
30-01-16 IT WAS REGULARLY MOVED AND SECONDED THAT COUNCIL APPROVE THE AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY AND THE LAND USE BYLAW TO ENABLE THE DEVELOPMENT OF EXISTING LOTS WITHOUT FRONTAGE ON A STREET BY WAY OF AN ACCESS EASEMENT FROM A PUBLIC AUTHORITY, AS OUTLINED IN THE RESOLUTION – ATTACHMENT 1.

CARRIED

It is not a legislative requirement that an access easement agreement be approved by Council; however, this has been the practice in Wolfville and was the expectation established during the plan amendment process associated with RFD 083-2015.

3) STAFF RECOMMENDATION
Staff recommends that Council approve the draft access easement agreements for Lot PM-1, 90 and 96 Main Street.

4) REFERENCES AND ATTACHMENTS
1. Background Staff Report can be found here.
2. Lot PM-1 Draft Access Easement Agreement
3. 90 Main Street Draft Access Easement Agreement
4. 96 Main Street Draft Access Easement Agreement

5) PURPOSE OF REPORT
For Council to consider and approve the access easement agreements to allow access, across Public land, to Lot PM-1, 90 and 96 Main Street as shown below in Figure 1.
6) DISCUSSION

The background report associated with RFD-083-2015 can be found here. The amendments to the MPS and LUB (January 26, 2016) that enabled the proposed draft access easement agreements are as follows (in bold):

Municipal Planning Strategy

14.1.3 to specify in the Land Use By-law the uses of land and the location of structures permitted upon lots in the various zones and enable those uses and structures on lots which do not meet the minimum requirements for lot area and lot frontage or both provided:
such undersized lots were created prior to 16 April, 1987; or
such undersized lots were created after 16 April, 1987, the date of validation of real property transactions under the Municipal Government Act, by an instrument to which the Municipal Government Act does not apply; or
such occurrences where an access easement to an existing property without Lot Frontage on a Street can be provided by a Public Authority.

Land Use Bylaw

4.3.1 No development permit shall be issued for a lot unless the lot abuts and fronts upon a street. A lot that has access to a street over a private right-of-way or private easement shall be deemed not to abut a street. A Development Permit may be issued where an Access Easement to an Existing property without Lot Frontage on a Street can be provided by a Public Authority.

90 and 96 Main Street are longstanding developed properties containing single detached dwellings. 90 Main Street currently only has the public lands known as Wickwire Lane as access; however, 96 Main Street has an existing driveway and only uses the laneway as a secondary access to their garage. Lot PM-1 cannot be accessed without the use of the public lands known as Wickwire Lane (see Figure 1).

The draft access easements (attachments to this report) are legal documents that will allow for the property owners at 90 and 96 Main Street to continue to access their properties over public land. The agreement will enable the property owner of Lot PM-1 to develop their property in compliance with the Land Use Bylaw. The access easements would be registered on the properties and run with title regardless of ownership.

7) FINANCIAL IMPLICATIONS
There are no budget considerations.

8) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS
5. Efficient and Effective Leadership from a Committed and Responsive Executive and Administrative Team.

9) COMMUNICATIONS REQUIREMENTS
The access easement agreements were drafted in consultation with the Town’s solicitor. The owner’s of 90 Main Street and Lot PM-1 have also reviewed the agreements while Staff are still working with the owner of 96 Main Street.
10) ALTERNATIVES

1. That Council not approve the access easement agreements for Lot PM-1, 90 and 96 Main Street.
THIS ACCESS EASEMENT AGREEMENT made this day of , 2016

BETWEEN

TOWN OF WOLFVILLE, a body corporate, with head office at the Town Hall in the Town of Wolfville, in the County of Kings and Province of Nova Scotia,

hereinafter called the “GRANTOR”

- and -

PETER MOWAT and SUSAN MOWAT, of Kentville, in the County of Kings and Province of Nova Scotia;

hereinafter called the “GRANTEES”

WHEREAS The Grantees are the owners in fee simple of Lot PM-1 in the Town of Wolfville, aforesaid, which lands are more particularly shown as PID 55443048 on Schedule “A” attached hereto;

AND WHEREAS the Grantor is the owner of lands which adjoin the said lands of the Grantees on the east and which fronts on Main Street in the Town of Wolfville, aforesaid, said lands of the Grantor being a road reserve more particularly shown in Schedule “B” attached hereto.

AND WHEREAS the Grantees have sought permission of the Grantor for an access easement over a portion of the said lands of the Grantor for the purpose of driveway access to Main Street.

NOW THEREFORE in consideration of the provisions and covenants herein contained, the parties covenant and agree as follows:

The Grantor grants and conveys to the Grantees a Right-of-Way over that portion of the lands of the Grantor situate in the Town of Wolfville, in the County of Kings and Province of Nova Scotia known as Wickwire Dyke Road as shown on Schedule “B” attached hereto which runs from the Northerly boundary of Main Street over Wickwire Dyke Road to and along a portion of the easterly boundary of lands of the Grantees as shown on Schedule “A” attached hereto for the purpose of ingress and egress of the Grantees, their assigns, guests, servants, or agents from Main Street to the lands of the Grantees shown in Schedule “A”.

SUBJECT TO the following terms and conditions which are hereby agreed to by the Grantee:

1. The Grantees shall not engage in any clearing of the lands described in Schedule “B” other than as may be necessary for the purpose of construction of a driveway or to maintain the lots as provided above or as otherwise permitted in writing by the Public Works Director of the Town of Wolfville.

2. The said access easement granted herein is not and is not intended to be a Right-of-Way exclusive to the Grantees and nothing herein shall prevent the Grantor from granting and
conveying a Right-of-Way, whether similar to this Agreement or otherwise, to any other person or persons at any time or times.

3. The parties hereto agree that this Agreement is the only Agreement between the parties whether written or otherwise, in relation to their respective lands;

4. This Right-of-Way shall be extinguished and shall be of no further force and effect if the lands over which it passes should become a Public Street;

5. The Grantor hereby acknowledges that should a Public Street be constructed on the lands shown in Schedule “B” at any time after the date of this Agreement, the Grantor will make its best efforts to construct the street, or have the street constructed, in such a way as to match any driveway established by the Grantees on their lands, if it can do so at a cost which the Grantor considers, in its own discretion, to be reasonable. The Grantees accept that the establishment of a street within the Schedule “B” lands may require an alteration of the grade of any driveway that the Grantees may establish on their lands shown in Schedule “A”.

6. The Grantees agree to indemnify and hold harmless the Grantor from any claim for damages made by any person using the access easement granted in this document.

7. The Grantees acknowledge that snow and solid waste removal are provided on Main Street and do not extend beyond the Main Street boundary of the Right-of-Way.

8. This Agreement shall enure to the benefit of and be binding upon the parties to this Agreement, their respective heirs, successors, administrators, and assigns.

In this access easement agreement the singular includes the plural and masculine includes the feminine, with the intent that this access easement agreement shall be read with all appropriate changes of number and gender.
SIGNED, SEALED and DELIVERED
In the presence of

__________________________________  Witness
__________________________________  Witness
__________________________________  Witness
__________________________________  Witness

)  TOWN OF WOLFVILLE
)  PER: _________________________________  MAYOR
)  PER: _________________________________  CHIEF ADMINISTRATIVE OFFICER
)  PETER MOWAT
)  SUSAN MOWAT
ON THIS _____ day of _____________, 2016, before me, the subscriber personally came and appeared, ____________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the PETER MOWAT, one of the parties hereto signed, sealed and delivered the same in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia

ON THIS _____ day of _____________, 2016, before me, the subscriber personally came and appeared, ____________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the SUSAN MOWAT, one of the parties hereto signed, sealed and delivered the same in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia

ON THIS _____ day of _____________, 2016, before me, the subscriber personally came and appeared, ____________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the TOWN OF WOLFVILLE, one of the parties hereto caused the same to be executed in its name and on its behalf and its corporate seal to be hereunto affixed, in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia
THIS ACCESS EASEMENT AGREEMENT made this ___ day of ___ , 2016

BETWEEN

TOWN OF WOLFVILLE, a body corporate, with head office at the Town Hall in the Town of Wolfville, in the County of Kings and Province of Nova Scotia,

hereinafter called the “GRANTOR”

- and -

LYNNE L CAVANAGH, of Wolfville, in the County of Kings and Province of Nova Scotia;

hereinafter called the “GRANTEES”

WHEREAS The Grantees are the owners in fee simple of 90 Main Street in the Town of Wolfville, aforesaid, which lands are more particularly shown as PID 55526636 on Schedule “A” attached hereto;

AND WHEREAS the Grantor is the owner of lands which adjoin the said lands of the Grantees on the west and which fronts on Main Street in the Town of Wolfville, aforesaid, said lands of the Grantor being a road reserve more particularly shown in Schedule “B” attached hereto.

AND WHEREAS the Grantees have sought permission of the Grantor for an access easement over a portion of the said lands of the Grantor for the purpose of driveway access to Main Street.

NOW THEREFORE in consideration of the provisions and covenants herein contained, the parties covenant and agree as follows:

The Grantor grants and conveys to the Grantees a Right-of-Way over that portion of the lands of the Grantor situate in the Town of Wolfville, in the County of Kings and Province of Nova Scotia known as Wickwire Dyke Road as shown on Schedule “B” attached hereto which runs from the Northerly boundary of Main Street over Wickwire Dyke Road to and along the westerly boundary of lands of the Grantees as shown on Schedule “A” attached hereto for the purpose of ingress and egress of the Grantees, their assigns, guests, servants, or agents from Main Street to the lands of the Grantees shown in Schedule “A”.

SUBJECT TO the following terms and conditions which are hereby agreed to by the Grantee:

1. The Grantees shall not engage in any clearing of the lands described in Schedule “B” other than as may be necessary for the purpose of construction of a driveway or to maintain the lots as provided above or as otherwise permitted in writing by the Public Works Director of the Town of Wolfville.

2. The said access easement granted herein is not and is not intended to be a Right-of-Way exclusive to the Grantees and nothing herein shall prevent the Grantor from granting and conveying a Right-of-Way, whether similar to this Agreement or otherwise, to any other person or persons at any time or times.
3. The parties hereto agree that this Agreement is the only Agreement between the parties whether written or otherwise, in relation to their respective lands;

4. This Right-of-Way shall be extinguished and shall be of no further force and effect if the lands over which it passes should become a Public Street;

5. The Grantor hereby acknowledges that should a Public Street be constructed on the lands shown in Schedule “B” at any time after the date of this Agreement, the Grantor will make its best efforts to construct the street, or have the street constructed, in such a way as to match any driveway established by the Grantees on their lands, if it can do so at a cost which the Grantor considers, in its own discretion, to be reasonable. The Grantees accept that the establishment of a street within the Schedule “B” lands may require an alteration of the grade of any driveway that the Grantees may establish on their lands shown in Schedule “A”.

6. The Grantees agree to indemnify and hold harmless the Grantor from any claim for damages made by any person using the access easement granted in this document.

7. The Grantees acknowledge that snow and solid waste removal are provided on Main Street and do not extend beyond the Main Street boundary of the Right-of-Way.

8. This Agreement shall enure to the benefit of and be binding upon the parties to this Agreement, their respective heirs, successors, administrators, and assigns.

In this access easement agreement the singular includes the plural and masculine includes the feminine, with the intent that this access easement agreement shall be read with all appropriate changes of number and gender.
SIGNED, SEALED and DELIVERED
In the presence of

Witness

Witness

Witness

TOWN OF WOLFVILLE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

LYNNE L CAVANAGH
ON THIS _____ day of _____________, 2016, before me, the subscriber personally came and appeared, __________________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the XXXXXXX, one of the parties hereto signed, sealed and delivered the same in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia

ON THIS _____ day of _____________, 2016, before me, the subscriber personally came and appeared, __________________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the TOWN OF WOLFVILLE, one of the parties hereto caused the same to be executed in its name and on its behalf and its corporate seal to be hereunto affixed, in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia
Schedule “B”
THIS ACCESS EASEMENT AGREEMENT made this day of , 2016

BETWEEN

TOWN OF WOLFVILLE, a body corporate, with head office at the Town Hall in the Town of Wolfville, in the County of Kings and Province of Nova Scotia, hereinafter called the “GRANTOR”

- and -

VERNON BARR and RUTH BARR and PETER BARR and SANDRA BARR, of Wolfville, in the County of Kings and Province of Nova Scotia; hereinafter called the “GRANTEES”

WHEREAS The Grantees are the owners in fee simple of 96 Main Street in the Town of Wolfville, aforesaid, which lands are more particularly shown as PID 55443055 on Schedule “A” attached hereto;

AND WHEREAS the Grantor is the owner of lands which adjoin the said lands of the Grantees on the east and which fronts on Main Street in the Town of Wolfville, aforesaid, said lands of the Grantor being a road reserve more particularly shown in Schedule “B” attached hereto.

AND WHEREAS the Grantees have sought permission of the Grantor for an access easement over a portion of the said lands of the Grantor for the purpose of driveway access to Main Street.

NOW THEREFORE in consideration of the provisions and covenants herein contained, the parties covenant and agree as follows:

The Grantor grants and conveys to the Grantees a Right-of-Way over that portion of the lands of the Grantor situate in the Town of Wolfville, in the County of Kings and Province of Nova Scotia known as Wickwire Dyke Road as shown on Schedule “B” attached hereto which runs from the Northerly boundary of Main Street over Wickwire Dyke Road to and along the easterly boundary of lands of the Grantees as shown on Schedule “A” attached hereto for the purpose of ingress and egress of the Grantees, their assigns, guests, servants, or agents from Main Street to the lands of the Grantees shown in Schedule “A”.

SUBJECT TO the following terms and conditions which are hereby agreed to by the Grantee:

1. The Grantees shall not engage in any clearing of the lands described in Schedule “B” other than as may be necessary for the purpose of construction of a driveway or to maintain the lots as provided above or as otherwise permitted in writing by the Public Works Director of the Town of Wolfville.

2. The said access easement granted herein is not and is not intended to be a Right-of-Way exclusive to the Grantees and nothing herein shall prevent the Grantor from granting and
conveying a Right-of-Way, whether similar to this Agreement or otherwise, to any other person or persons at any time or times.

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6. The Grantees agree to indemnify and hold harmless the Grantor from any claim for damages made by any person using the access easement granted in this document.

7. The Grantees acknowledge that snow and solid waste removal are provided on Main Street and do not extend beyond the Main Street boundary of the Right-of-Way.

8. This Agreement shall enure to the benefit of and be binding upon the parties to this Agreement, their respective heirs, successors, administrators, and assigns.

In this access easement agreement the singular includes the plural and masculine includes the feminine, with the intent that this access easement agreement shall be read with all appropriate changes of number and gender.
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<td>SANDRA BARR</td>
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ON THIS _____ day of ____________, 2016, before me, the subscriber personally came and appeared, ____________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the Xxxxxx, one of the parties hereto signed, sealed and delivered the same in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE of NOVA SCOTIA   )
COUNTY OF KINGS                   )
) 

ON THIS _____ day of ____________, 2016, before me, the subscriber personally came and appeared, ____________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the Xxxxxx, one of the parties hereto signed, sealed and delivered the same in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia

PROVINCE of NOVA SCOTIA   )
COUNTY OF KINGS                   )
) 

ON THIS _____ day of ____________, 2016, before me, the subscriber personally came and appeared, ____________________________, a subscribing witness to the foregoing right-of-way agreement, who, having been by me duly sworn, made oath and said that the TOWN OF WOLFVILLE, one of the parties hereto caused the same to be executed in its name and on its behalf and its corporate seal to be hereunto affixed, in his/her presence.

___________________________________________
A Commissioner of the Supreme Court of Nova Scotia

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LOT PM-1
WOLFVILLE

55443055

96

MAIN STREET
SUMMARY

Dog Control Bylaw, Chapter 16

Council amended the Dog Control By-law in October 2013 to add a definition for a “Designated off Leash Area” and designated these areas through a map. In early 2016, Acadia University requested that the Town remove any Acadia lands designated as off leash dog areas from the bylaw. The amendment to the Dog Control Bylaw was included in Council’s operational plan for 2016/2017. Areas requested for removal are the Acadia Green Space and the Acadia University playing fields north of the railway tracks. A survey and public consultation was carried out which is summarized in this report.

DRAFT MOTION:

That Council give First Reading to the amended Dog Control Bylaw, Chapter 16, and forward to a Public Hearing and Town Council meeting September 27, 2016 for Second Reading.
1) **CAO COMMENTS**

The CAO supports the recommendations of staff.

2) **LEGISLATIVE AUTHORITY**

Section 175 of the MGA gives Councils the power to enact a bylaw to deal with dog related issue. Council may choose to regulate any of the follow issues:

(a) regulating the running at large of dogs, including permitting the running at large of dogs in certain places or at certain times;

(b) imposing a registration fee upon the owner of every dog, the amount to be set by policy, for such length of time as is specified in the by-law with the power to impose a larger fee for female dogs than for male dogs, or for unspayed or unneutered dogs than for spayed or neutered dogs;

(c) requiring tags for the identification of dogs registered under the by-law;

(d) exempting from any registration fee a dog that is a stray dog and is harboured for up to the maximum period of time set by by-law;

(e) defining fierce or dangerous dogs, including defining them by breed, cross-breed, partial breed or type;

(f) regulating the keeping of fierce or dangerous dogs;

(g) prohibiting the keeping of a dog that persistently disturbs the quiet of the neighbourhood by barking, howling, or otherwise;

(h) authorizing the dog control officer to impound, sell, kill or otherwise dispose of dogs

   (i) that run at large contrary to the by-law,
   (ii) in respect of which the fee or tax imposed by a by-law is not paid,
   (iii) that are fierce or dangerous,
   (iv) that are rabid or appear to be rabid or exhibiting symptoms of canine madness,
   (v) that persistently disturb the quiet of a neighbourhood by barking, howling or otherwise;
(i) requiring the owner of a dog, other than a dog that is trained to assist and is assisting a person with a disability, to remove the dog’s feces from public property and from private property other than the owner’s;

(j) requiring the owner of a dog to provide a written statement of the number of dogs owned, harboured or that are habitually kept upon the premises occupied by the owner.

(2) A dog that is trained to assist and assists a person with a disability is exempt from any registration fee.

(3) Where a dog tag is required by by-law, the dog tag shall bear a serial number and the year in which it is issued and a record shall be kept showing the name and address of the owner and the serial number of the tag.

(4) The owner of a kennel of purebred dogs that are registered with the Canadian Kennel Club may, in any year, pay a fee set by council, by policy, as a tax upon the kennel for that year and upon payment of the amount, the owner of the kennel is exempt from any further fee regarding the dogs for that year.

(5) Where required by by-law to do so, the owner of a dog may enter upon private property to remove the dog’s feces. 1998, c. 18, s. 175.

3) STAFF RECOMMENDATION

Staff recommends that Council proceed to a public hearing regarding the amendments to the Dog Control By-law #16.

4) REFERENCES AND ATTACHMENTS

- Municipal Government Act, Sections 172 and 175 (legislative authority)
- Town of Wolfville, Dog Control By-law map 28 current (attached)
- Town of Wolfville. Dog Control By-law map 28 less Acadia Properties (attached)
- Town of Wolfville Operational Plan for 2016-17.

5) PURPOSE OF REPORT

To seek Council’s direction on the proposed amendments to the Dog Control Bylaw.

6) DISCUSSION

Council amended the Dog Control By-law in October 2013 to add a definition for a “Designated off Leash Area” and designated these areas through a map. In early 2016, Acadia University requested that the Town remove any Acadia lands designated as off leash dog areas from the bylaw and Council responded by including a review of the Dog Control bylaw was included in its operational plan. The Town has
received some complaints from property owners who border off leash areas regarding the intrusion of “legal” off leash dogs from these areas onto their private property.

With the Council direction contained within the Operational plan to review the bylaw, staff undertook a comprehensive review to assess if there were other parts of the bylaw that needed to be amended; this included a review of all off leash areas. A comparison of the dog reports from last year show the majority of serious dog incidents occurred in off leash areas. These included a dog bite of a cyclist, a number of dog physical confrontations, dog attacks on other animals and the intrusion of dogs onto private property.

Public Consultation

Public consultation on the bylaw started with a Dog Control By-law survey, available for responses from May 16th to June 17th, 2016 from the Town of Wolfville web site to assess if the public had any concerns of which staff were not aware. Staff also sent a letter to all registered dog owners to make them aware of the survey. Staff held two public pop up information sessions, with one at 6 a.m. to 9 a.m. at Reservoir Park on July 13th and the next one at 11 a.m. to 1 p.m. on Main Street and Central Avenue on July 15th.

Some general statistics from the survey as follows;

- The survey was electronically visited 340 times.
- The survey was answered in some capacity by 145 respondents.
- There were 97 respondents that entirely completed the survey.
- The number of town residents that answered the survey was 132.
- There were 119 dog owners that responded to the survey.
- The location of off leash areas as listed in the Dog Control By-law were unknown by 55 respondents out of 145.
- Of the 143 respondents to the comfort level of public dog off leash parks the result was that 131 felt comfortable using the parks in this capacity.
- When asked how many used the designated off leash areas to walk their dog, 87 did use the areas and 17 did not.
- Of the 99 respondents to comfort level of walking their dog in the public dog off leash areas the result was 91 felt comfortable using the parks in this capacity.
• First narrative question on comfort level in public parks that are off leash was answered 133 times with 10 concerns or negative experiences and the rest positive responses.

• Second narrative question, for additional comments, was answered 95 times with 8 concerns or negative experiences, 7 suggested a fenced dedicated dog park, with 5 unrelated comments, leaving 75 positive responses for keeping off leash dog parks. Noted in the survey and on citizen input the Reservoir Park was named as the preferred park for dog activities over the other areas.

The two pop up events allowed for 28 dog owners to review and comment on the Dog Control by-law. Of these, all felt strongly that there should be an off leash area in the Town. It should be noted that 9 tourists walking on Main Street commented on the use of pop ups as positive public messaging.

Summary of Proposed Changes

Based on the consultations received and the review undertaken by staff, the draft Dog Control bylaw proposes the following changes:

• Remove all off leash dog areas on Acadia Properties from the Dog Control By-law.

Next Steps

Although, according to Section 168 of the MGA, this amendment does not require a Public Hearing, staff are recommending that one be held to allow all residents to express views. There was great interest in this bylaw amendment process and as such, it would be prudent to hear from the public.

As part of the bylaw review, staff have also been reviewing its dog catching contract. The Town of Wolfville has been without a current contact for Dog Control Services since March 31\textsuperscript{st}, 2010 and was included in the Council’s Operational plan to negotiate a new contract. Staff tendered in April 2016 for a contractor to provide a dog control program and impounding facilities for dogs in accordance with the provisions of the Dog Control Bylaw, Chapter 16. There was one proposal from the SPCA of Nova Scotia, and since then the SPCA has taken over duties as the service provider for the Dog Control and Pounding Facilities for a period of one year, starting on July 1\textsuperscript{st}, 2016.

7) FINANCIAL IMPLICATIONS
None.

8) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS
COUNCIL’S STRATEGIC PLAN
Council’s Strategic Plan establishes five (5) strategic goals. The Dog Control By-law meets the strategic goals of Council by:

3. A Growing Population Encompassing all Ages and Stages who Live in Safe, Attractive, Cohesive, Neighbourhoods
   • Dog Control by-laws inspire cohesive relationships between all stages of life.
   • Promotes control in all aspects of canine activities within the community.

4. A Robust Active Living and Cultural Community
   • Allows for a balance of reasonable activities within the Community.

5. Efficient and Effective Leadership from a Committed and Responsive Executive and Administrative Team
   • Will allow enforcement officers to be less reactive to person and canine conflicts.

9) COMMUNICATION REQUIREMENTS
   • Public consultation has started with the launch of a Dog Control By-law survey on May 16th, 2016 and continued for a one month period ending on June 17th, 2016.
   • Information sheet on the amendment and the survey delivered to all registered dog owners by June 6th, 2016.
   • Two public awareness pop up events one at frequently used park location on July 13th, 2016 and a location on Main Street on July 15th, 2016.

10) ALTERNATIVES
   • Council can approve any other reduction of off leash areas from the Dog Control Bylaw.
   • Council can send the proposal back to staff, with direction, to make changes.
DOG CONTROL BYLAW

Be it enacted, by the Council of the Town of Wolfville under the authority of Sections 172 and 175 of the Municipal Government Act, as amended:

1 Title

This Bylaw is titled and referred to as the ‘Dog Control Bylaw’.

2 Background

The Municipal Government Act gives Council the specific authority to establish a Dog Bylaw under Section 175. The purpose of this Bylaw is to provide for the orderly control of dogs in the Town of Wolfville including registration requirements.

3 Definitions

In this Bylaw:

(1) “Dog Control Officer” means:

(a) a person appointed by the Chief Administrative Officer who is a Special Constable or a Bylaw Enforcement Officer appointed pursuant to the Police Act or similar legislation, and empowered by such appointment to enforce this Bylaw,

(b) A Police Officer for the Town, and,

(c) Includes the Pound Keeper

A Dog Control Officer is not an Owner of any animals seized by that person as Dog Control Officer.

(2) “Chief Administrative Officer” means the Chief Administrative Officer for the Town.

(3) “Designated Off Leash Area” means those areas of the Town indicated by cross hatching on the map attached in Appendix A and commonly known as:

(a) Woodmans Grove;
(b) Olsen Pond;
(c) Reservoir Park;
(d) Sherwood-Rawding Ravine;
(e) Pompano Development Green Space (Pond View); and
Between November 1st of one year and March 31st of the following year, the Designated Off Leash Area also includes the area of the Town indicated by grey shading on the map attached in Appendix A and commonly known as:

(a) Rotary Park

(4) “Dog” includes any dog, male or female.

(5) “Effective Control” means control by leash or harness by the person responsible for the dog, such that the dog’s behaviour is restricted.

(6) “Fierce or Dangerous” means any dog that:

(a) without provocation has bitten, attacked or injured a person;
(b) has injured a domestic animal;
(c) without provocation has damaged any property;
(d) when either un-muzzled or unleashed, has approached any person in a vicious or terrorizing manner in an apparent attitude of attack at any place other than the property owned or occupied by the Dog's Owner;
(e) has a known propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of persons or domestic animals;
(f) is owned or harboured in whole or in part for the purpose of dog fighting;
(g) is trained for dog fighting; or
(h) is unattended on a harness or a leash, and is frightening or harassing a passerby.

A dog is not Fierce or Dangerous if it bites, attacks or injures:

(a) a person who is tormenting, teasing or physically abusing the dog;
(b) while acting in defense of itself or a person;
(c) while acting as a professionally trained guard dog lawfully engaged for law enforcement or guard duties;
(d) a person who was committing one or more of the following:
   (i) a wilful trespass or other tort;
   (ii) a criminal act upon premises owned or occupied by the Owner of the dog; or
   (iii) a trespass contrary to Provincial or Federal Legislation.

(7) “Guide Dog” means a dog that is trained to assist and assists a person with a disability.

(8) “Owner” includes any person who possesses, has the care of, has the control of, or harbours a dog, and when the person is a minor, includes a person responsible for the custody of the minor

(9) “Running at large” or “Runs at Large” means:
(a) the dog is off the property owned or occupied by the dog’s Owner and is not under control by a leash or harness;
(b) the dog is in a Designated Off Leash Area and is not under Voice Control or control by a leash or harness;
(c) the dog is on the property owned or occupied by the dog’s Owner but is tethered on a tether of sufficient length to permit the dog to leave that property;
(d) the dog is on property not owned by the dog’s Owner where a sign has been erected prohibiting a dog from being on that property;
(e) the dog is on property not owned by the dog’s Owner where a sign has been erected requiring a dog to be under the control of some person by means of a harness or leash while on that property, and the dog is not under such control.

A dog is not Running at Large if it is:

a) in a Designated Off-Leash Area between dawn and dusk, or at a time indicated by signage placed at the Designated Off-Leash Area by Town Staff if the dog remains under Voice Control and if the dog is behaving in accordance with all posted signage at that location
b) participating in a dog exhibition event;
c) participating in a search and rescue operation or law-enforcement operation; or
d) a Guide Dog

(10) “Town” means Town of Wolfville.

(11) “Town Police Officer” means any member of a Municipal, Provincial or Federal law enforcement agency that is contracted to provide police services to the Town.

(12) “Voice Control” means the dog’s behavior is under verbal or sign command at all times regardless of distractions.

4 Enforcement

A Dog Control Officer or any other person so appointed by the Chief Administrative Officer may enforce this By-Law.

A Dog Control Officer, the Director of Public Works, or any other person so appointed by the Chief Administrative Officer may erect signage at a Designated Off-Leash Area that clearly displays any limitations or restrictions that may be in force at that particular Designated Off-Leash Area.

5 Annual Dog Registration Fee

(1) Every Owner of a dog shall pay to the Town an annual registration fee.
(2) The Owner shall pay the registration fee before January 31st of each year or within thirty (30) days of becoming an Owner.

(3) If a person becomes owner of a dog during the year, the owner shall pay a pro-rated dog registration fee based on the number of full months remaining in the calendar year.

(4) The Town Council may set by policy, from time to time during the annual budgeting process, the amount of the annual registration fee payable until varied by further policy. Council may impose a larger fee for unspayed or unneutered dogs than for spayed or neutered dogs.

(5) The owner of a kennel of purebred dogs that are registered with the Canadian Kennel Club, may, in any year, pay a fee set by Council, by policy, as a tax upon the kennel for that year. Upon payment of that amount, the kennel is exempt from any further fee regarding the dogs for that year.

(6) A Guide Dog is exempt from any registration fee.

6 Registration and Dog Tag

(1) The Town shall register each dog when the registration fee is paid, recording the following information:

   (a) Registration date;
   (b) Registration number;
   (c) Name and breed of dog;
   (d) Description of dog, including whether the dog is female or male and whether the dog is spayed or not or neutered or not;
   (e) Name of Owner, and
   (f) Civic and mailing address and telephone number of Owner.

(2) The Town shall supply to each Owner of a registered dog a metal tag stamped with the number and year of registration.

(3) The Owner of every dog shall keep on the dog a collar with the dog tag issued for that dog securely affixed to the collar at all times.

(4) If an Owner files with the Town a written confirmation that the dog tag has been lost or destroyed and pays a replacement fee, in the amount set by policy, the Town shall provide a replacement dog tag.

(5) Each Owner of a dog shall deliver to the Town a written Statement of the number of dogs owned or harboured by the Owner or which are kept on the premises occupied by the Owner, if the Town requires the Owner to do so.
(6) The Owner shall provide this written Statement within ten (10) days of receiving the written notice requiring the Owner to provide it.

7 Responsibilities of Owners

Every Owner is in contravention of this Bylaw:

(1) Whose dog runs at large

(2) Whose dog is not wearing a tag required by this Bylaw

(3) Whose dog is not registered as required by this Bylaw

(4) Whose dog persistently disturbs the quiet of the neighbourhood by barking, howling, or by any other activity;

(5) Whose dog, while left unattended on a harness or a leash frightens or harasses any passerby;

(6) Who neglects or refuses to provide a written statement required by this Bylaw.

(7) Who harbours, keeps or has under care, control, or direction a dog that is fierce or dangerous unless the dog:

   a. while on the property owned occupied by the Owner, is confined:
      i. indoors; or
      ii. outdoors in a locked pen or other structure to prevent the dog from escaping and to prevent entry of any person not in control of the dog;
   b. while off the property owned or occupied by the Owner:
      i. is muzzled, and
      ii. is harnessed, or leashed, on a lead no more than one metre long held by a person at least nineteen (19) years of age.

(8) Who fails to remove immediately the feces of a dog, other than a Guide Dog, from public property or private property other than the Owner’s. The Owner may enter upon private property to remove the dog’s feces.

8 Pound Keeper

Town Council or Chief Administrative Officer may appoint a Pound Keeper who shall:

(1) keep in a pound all dogs delivered to the Pound Keeper;
(2) furnish the dogs with adequate food and water;
(3) keep the pound in a reasonable state of cleanliness and;
9 Impounding Dogs

(1) The Dog Control Officer, without notice to or complaint against the Owner of a dog, may capture and impound any dog in circumstances where the Dog Control Officer reasonably believes the dog:

(a) is running at large contrary to this Bylaw;
(b) without provocation, has attacked, chased, bit, or injured any other domestic animal or person, or damaged any property contrary to this By-Law;
(c) is fierce or dangerous
(d) is a dog for which the annual registration fee has not been paid;
(e) is rabid or appears to be rabid or exhibits symptoms of canine madness; or
(f) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise;

(2) Notwithstanding subsection 9 (1), a Dog Control Officer, without notice to or complaint against the Owner of a dog, may apply for a warrant to seize any dog where the Dog Control Officer is investigating a report and the Dog Control Officer reasonably believes a person is harbouring, keeping or has under care, control or direction a dog that :

(a) is fierce or dangerous;
(b) is rabid or appears to be rabid;
(c) exhibits symptoms of canine madness; or
(d) persistently disturbs the quiet of the neighbourhood by barking, howling or otherwise.

(3) In cases where a dog has been captured or impounded that:

(a) was running at large contrary to this Bylaw;
(b) without provocation, has attacked, chased, bit, or injured any other domestic animal or person, or damaged any property contrary to this Bylaw;
(c) is fierce or dangerous and was not confined or was not muzzled and harnessed or leashed as required by subsection 7(7);
(d) was not wearing a dog tag required by this Bylaw;
(e) was not registered pursuant to this Bylaw; or
(f) persistently disturbed the quiet of the neighbourhood by barking, howling or otherwise

the Dog Control Officer, in that officer’s discretion, and upon application by the Owner with proof of ownership, may enter into an agreement with the Owner of a dog and that agreement may contain conditions, safeguards and limitations as the Dog Control Officer deems reasonably appropriate to protect the neighbourhood and otherwise serve the purpose of this Bylaw upon the dog and its Owner, and return the dog to the Owner only after the Owner has signed the agreement indicating their acceptance of such conditions, safeguards and limitations.
(4) Subject to subsection 9(1) and subsection 9(2) of this Bylaw, except in the case where a dog is impounded for being rabid or appearing to be rabid, the Owner of a dog which has been impounded, upon proof of ownership of the dog, may redeem the dog. The Owner shall pay to the Pound Keeper, or make arrangement for payment satisfactory to the Pound Keeper, the Impounding Fee and the Daily Pound Fee(s), along with the reimbursement for any Extraordinary Expenses incurred by the Town in relation to the dog.

(5) In the case of redemption of a dog which has not been registered pursuant to this Bylaw, the Owner is also required to register the dog and pay the registration fee before redeeming the dog.

(6) Any dog which has not been redeemed by its Owner within 72 hours of being impounded may be:

(a) given away;
(b) sold; or
(c) destroyed in accordance with Section 11.

(7) Whenever the 72 hours of impounding time expires on a weekend, the Pound Keeper shall hold such dog until the expiry of the first business day following the weekend to permit the Owner to redeem the dog.

10 Notice to Owner

Upon any dog being impounded, the Pound Keeper shall check for a tag and if a tag is found, the Pound Keeper shall make at least one attempt to contact the registered Owner of the dog using the tag number on the records of Town Staff. However the onus is on the Owner of the dog to ascertain within the time period provided for impounding under this Bylaw whether the dog has been impounded. Neither the Pound Keeper nor the Town shall incur liability in the event of failure to give Notice to the Owner if the Owner has not made inquiry of the Pound Keeper to determine whether the dog was impounded.

11 Destroying a Dog

(1) The Dog Control Officer, without notice to or complaint against the Owner, may destroy on sight any dog that is fierce or dangerous, is running at large and eluding capture, or is rabid or appears to be rabid, if:

(a) the dog poses an immediate danger to a person or a domestic animal or to property of persons other than the Owner; and
(b) it is not reasonably possible to safely capture the dog.

(2) Where a dog has been captured or impounded and charges have been laid against the Owner of the dog, the Dog Control Officer may make application to the Court to have the dog destroyed if the dog:
(a) was running at large and two previous written warnings have been given to the Owner that the dog has been running at large; or
(b) without provocation, has attacked, chased, bitten, or injured any other domestic animal or person, or damaged any property contrary to this Bylaw; or
(c) is fierce or dangerous; or
(d) is rabid or appears to be rabid.

(3) In cases where a dog is to be destroyed that:

(a) is rabid or appears to be rabid or;
(b) without provocation has attacked, bitten any other domestic animal or person

and no current rabies vaccination certificate is in effect for the dog, the dog must first be kept under quarantine and observation for a period of ten (10) days in accordance with the Nova Scotia Rabies Response Plan (2016).

(4) Where a dog is to be destroyed with the Owner’s consent:

(a) the dog may be returned to the Owner so long as the Owner signs a temporary undertaking in relation to the destruction of the dog;
(b) the temporary undertaking contains such conditions, safeguards and limitations that the Dog Control Officer deems to be appropriate;
(c) the temporary undertaking contains a timeframe for the destruction of the dog; and
(d) the temporary undertaking contains a clause requiring the Owner to provide the Dog Control Officer, with proof that the dog has been destroyed.

12 Offence

(1) Every Owner of a dog who is in contravention of this Bylaw is guilty of an offence.

(2) Where an offence is committed contrary to the provisions of this Bylaw, and that offence continues beyond 12:00 midnight on the day it was committed, each subsequent day the offence continues shall be deemed to be a separate offence.

(3) Evidence that one person is disturbed or offended is prima facie evidence that the public, or the neighbourhood, is disturbed or offended.

13 Penalties

(1) Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine of not less than $100 and not more than $1,000 and to imprisonment of not more than 180 days in default of payment.
14 **REPEAL**

The Dog Bylaw passed by Town Council on October 23, 2013 and acknowledged by the Minister of Municipal Affairs on November 14, 2013 is repealed.

<table>
<thead>
<tr>
<th>Clerk’s Annotation for Official Bylaw Book</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of first reading:</td>
</tr>
<tr>
<td>Date of advertisement of Notice of Intent to Consider:</td>
</tr>
<tr>
<td>Date of second reading:</td>
</tr>
<tr>
<td>Date of advertisement of Passage of By-law:</td>
</tr>
<tr>
<td>Date of mailing to Minister a certified copy of Bylaw:</td>
</tr>
</tbody>
</table>

I certify that this **DOG CONTROL BYLAW #16** was adopted by Council and published as indicated above.

______________________________  ______________________
Dan S. Stovel, Town Clerk       Date
Appendix A – Map of Designated Off-Leash Areas.
SUMMARY

Annual Operating Line of Credit

All organizations require a stable cash flow in order to meet expenditure obligations on a timely basis, be that supplier payments or payroll. Timing of cash flow receipts does not always match the timing of required payments. The approval of annual operating lines of credit allows staff to carry out the approved budget plans of Council in an effective and efficient manner.

DRAFT MOTION:

That Council approves the following lines of credit with the Bank of Montreal, effective October 1, 2016 to September 30, 2017:

1. Town Operating Fund, bank account    $400,000 maximum credit
2. Water Utility Operating Fund, bank account    $150,000 maximum credit
3. Corporate Credit Cards    $  50,000 maximum credit
1) CAO COMMENTS
The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY
MGA section 84.

3) STAFF RECOMMENDATION
That Council approve the recommended lines of credit to help ensure timely financial obligations throughout the next year.

4) REFERENCES AND ATTACHMENTS
- Bank Credit Card Policy # 140-002 (formerly # 1221-09)

5) DISCUSSION
This RFD is intended to provide Council with information to assist in the annual decision to establish lines of credit for the Town’s operating fund bank accounts and corporate credit cards. Capital credit funding requirements have previously been approved by Council by way of Temporary Borrowing Resolutions.

The Town’s operating lines of credit are renewed with the Bank of Montreal once a year, with the current agreement expiring at the end of September. Given the Town’s positive financial results over the past number of years, this decision could be considered a housekeeping matter required to keep our agreement with the Bank of Montreal up to date. Much of what follows is information included in RFD’s over the last few years.

Section 84 of the Municipal Government Act (MGA) allows municipalities to utilize temporary borrowings to cover current expenditures. This recognizes the fact that municipal cash receipts do not always mirror the timing of expenditure payments.

The amount to which temporary borrowings are required depends on a municipality’s unrestricted working capital and its regular cash flow requirements.

- It has been a number of years since the Town experienced any timing issues with cash flow, and when they had occurred they tended to be in April and May, prior to the due date of interim tax bills. The annual agreement with the bank (Oct to following Sept) covers this period of time.

- In March 2012, a number of bank accounts were consolidated at the Bank of Montreal. As noted previously, this move assists the Town in avoiding the need for temporary loans from the bank. Appropriate accounting ensures each fund records the interest income earned every year. To date this continues to work well for the Town. The last overdraft position for the two operating accounts (Town General and Water Operating) were:
  o Town general account required $270,700 in temporary borrowings in April & May 2011.
In November 2010 the Water Utility required temporary borrowings of $123,900.

- No temporary borrowings were required by either the Town or Water Utility Operating Funds since May 2011 (noted above).
- In addition, continued years with surplus results have helped eliminate the Town’s reliance on short term borrowings.
- The potential still exists for the need to utilize short term borrowings, although the likelihood is low.
- The recommended credit limits (operating lines of credit) have been unchanged for at least 7 years, i.e. no increase recommended. Effectively the approved borrowing limit is a lower percentage of the annual budget spending.
- The bank requires an approved resolution in order to facilitate any temporary borrowings.

With regard to the limit required for the Town credit cards, the maximum overall credit was reduced a couple of years ago from $100,000 down to $50,000. This coincided with changes to the Credit Card Policy (140-002) which reduced the number of cards from maximum of 20 down to 3. The suggested limit has been set at a level that would provide flexibility if required during the fiscal year. There have been no issues during the past twelve months with the limit of $50,000. Note the Town Policy has a per-card limit of $5,000, unless otherwise required and temporarily increased by the Director of Financial Services.

Each year there have been occasions where the Director of Financial Services has had to temporarily increase an individual card limit. This usually occurs around the time that conference registrations occur. Over the last year there were a couple of times where the limit was increased on a card between the statement date and due date of payment, as the card was nearing its $5,000 limit. Ultimately the Town stayed within its limit on each monthly statement.

Another rationale for maintaining the $50,000 upper limit is in the case of unexpected need that can arise from an emergency situation. Although not part of day to day spending, if there a circumstance that occurs, the need can be immediate.

6) FINANCIAL IMPLICATIONS
None identified beyond discussion above.
7) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS
This report comes before COW/Council to ensure the Town is meeting its obligation of accountability and openness/transparency to the public, as expressed in the Guiding Principles of Council’s Strategic Plan.

8) COMMUNICATION REQUIREMENTS
The lines of credit are a matter of routine operations; therefore the only communication required is with the Bank of Montreal to ensure renewed credit facilities are in place before October 1, 2016.

9) ALTERNATIVES
Council could make the decision not to authorize any operating lines of credit for the next year, or to authorize only the line of credit related to the credit cards.

These options have not been recommended for the following reasons;

- The use of operating lines of credit are an established business practice to allow for temporary shortfalls in cash flow.
- A temporary need for a line of credit would typically occur in a timeframe that does not necessarily coincide effectively with a Council meeting. If no line of credit approved, payment of bills/payroll could be held up while awaiting a Council meeting to get the necessary authorization to borrow.
- The Town has certain individual receipts, such as the provincial grant in lieu of taxes related to Acadia, that are significant (currently just under a million dollars) and if the payment is received late in the year it could cause a temporary cash shortage.
SUMMARY

Council Remuneration Review & Policy Update

The current Council Remuneration Policy was last amended in October 2008 prior to the 2008 Municipal Election. Although there was no amendment in 2012, remuneration has been adjusted annually by CIP in accordance with the policy. Staff have conducted a Council Honourarium Review Survey, in addition to information gathered by the Town of Windsor for their review, to determine if the current council remuneration was in line with other units of similar size and scope. The review shows that the Town’s current remuneration levels are not significantly out of sync with other municipal units of a population between 3,500 and 10,000. Based on the review staff have provided Council with three options to consider.

Staff also requested information from municipal units regarding the technology provided to Council – i.e. laptops, cell phones, iPads, etc. Based on the information gathered it was more often than not that only the Mayor was provided a cell phone. However, in all cases, the combination of technology provided to all of Council or just the Mayor did not result in a best practice to follow.

DRAFT MOTION:

That Council approve amendments to the Council Remuneration Policy 110-005.

That effective November 1, 2016 that only the Mayor shall be provided a cell phone.
1) **CAO COMMENTS**

The CAO supports the recommendations of staff.

2) **LEGISLATIVE AUTHORITY**

Section 23 (1) (d) of the *Municipal Government Act* allows Council to make policy to fixing the annual remuneration to be paid to the Mayor, Deputy Mayor and each Councillor of the Town as well as the part of the remuneration that is an allowance for expenses incidental to the discharge of duties of such persons elected as officials of the municipality.

3) **STAFF RECOMMENDATION**

Staff recommends that the remunerations established for the Mayor, Deputy Mayor and each Councillor remain unadjusted for 2016/17, but Council should approve one of the three options for remuneration levels effect April 1, 2017.

Staff also recommends only the Mayor be provided with a cell phone by the Town, though all of Council will receive iPads to conduct Town business.

4) **REFERENCES AND ATTACHMENTS**

- Council Remuneration Policy 110-005 (attached)
- Council Honourarium Review Survey Results (attached)
- Council Honourarium Comparisons from Town of Windsor Review (attached)

5) **DISCUSSION**

The current Council Remuneration Policy was last amended in October 2008 prior to the 2008 Municipal Election. Although there was no amendment in 2012, remuneration has been adjusted annually by CIP in accordance with the policy. Staff have conducted a Council Honourarium Review Survey with 11 municipal units in Nova Scotia, in addition to information gathered by the Town of Windsor for their review, to determine if the current council remuneration was in line with other units of similar size and scope.

In addition to requesting remuneration amounts of the municipal units, the survey conducted by staff requested information on technology provided to Council, the number of Committees established, what, if any, benefits are provided, office space provided, etc.

**Remuneration**

Given that Wolfville has a population of 4,269 with an influx of approximately 3,500 residents between September and May, staff considered municipalities with a population between 3,500 – 10,000 when comparing remuneration levels. The information related to the number of committees a councillor sits on could not be used to determine scope of responsibilities because the question was not answered by
the majority of the respondents. The information gathered shows that Wolfville’s remuneration levels are not significantly out of line with other municipalities of a similar population.

Figure 1: Remuneration levels for municipalities with a population between 3,500 and 10,000.

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Type of System</th>
<th>Mayor/Warden</th>
<th>Deputy</th>
<th>Councillor</th>
<th>Taxable %</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Berwick</td>
<td>Mayor</td>
<td>$17,505.00</td>
<td>$9,628.00</td>
<td>$8,753.00</td>
<td>66.67</td>
<td>2,454</td>
</tr>
<tr>
<td>Windsor</td>
<td>Mayor</td>
<td>$22,455.00</td>
<td>$14,787.12</td>
<td>$13,144.20</td>
<td>33.33</td>
<td>3,780</td>
</tr>
<tr>
<td>Westville</td>
<td>Mayor</td>
<td>$12,569.00</td>
<td>$10,684.00</td>
<td>$9,427.00</td>
<td>n/a</td>
<td>3,798</td>
</tr>
<tr>
<td>Antigonish</td>
<td>Mayor</td>
<td>$32,962.00</td>
<td>$20,992.00</td>
<td>$18,896.00</td>
<td>33.33</td>
<td>4,524</td>
</tr>
<tr>
<td>Stellarton</td>
<td>Mayor</td>
<td>$20,343.00</td>
<td>$15,915.00</td>
<td>$14,359.00</td>
<td>n/a</td>
<td>4,717</td>
</tr>
<tr>
<td>Kentville</td>
<td>Mayor</td>
<td>$36,700.00</td>
<td>$23,100.00</td>
<td>$20,700.00</td>
<td>66.67</td>
<td>6,094</td>
</tr>
<tr>
<td>Yarmouth</td>
<td>Mayor</td>
<td>$35,261.00</td>
<td>$24,889.00</td>
<td>$20,742.00</td>
<td>66.67</td>
<td>6,761</td>
</tr>
<tr>
<td>Bridgewater</td>
<td>Mayor</td>
<td>$31,700.00</td>
<td>$20,200.00</td>
<td>$17,700.00</td>
<td>66.67</td>
<td>8,241</td>
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<tr>
<td>New Glasgow</td>
<td>Mayor</td>
<td>$33,723.00</td>
<td>$23,186.00</td>
<td>$21,358.00</td>
<td>66.67</td>
<td>9,562</td>
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<tr>
<td>Annapolis County</td>
<td>Warden</td>
<td>$30,312.64</td>
<td>$19,703.34</td>
<td>$15,156.32</td>
<td>66.67</td>
<td>18,526</td>
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<tr>
<td>County of Kings</td>
<td>Warden</td>
<td>$49,267.00</td>
<td>$36,129.00</td>
<td>$30,655.00</td>
<td>66.67</td>
<td>49,448</td>
</tr>
</tbody>
</table>

Note that the municipal units of Berwick, Annapolis County and the County of Kings were not used for any calculations. The information is provided as a reference to neighbouring municipal units only.

Based on the above information the average remuneration levels for the Mayor, Deputy Mayor and each Councillor in a municipality with a population between 3,500 and 10,000 is as follows:

<table>
<thead>
<tr>
<th>Mayor</th>
<th>Deputy Mayor</th>
<th>Councillor</th>
</tr>
</thead>
<tbody>
<tr>
<td>$28,215</td>
<td>$19,220</td>
<td>$17,050</td>
</tr>
</tbody>
</table>

Does not include Wolfville in the calculation

The average remuneration levels for the Mayor, Deputy Mayor and each Councillor without the highest and lowest remuneration for a municipality with a population between 3,500 and 10,000 is as follows:

<table>
<thead>
<tr>
<th>Mayor</th>
<th>Deputy Mayor</th>
<th>Councillor</th>
</tr>
</thead>
<tbody>
<tr>
<td>$29,400</td>
<td>$19,995</td>
<td>$17,700</td>
</tr>
</tbody>
</table>

Does not include Wolfville in the calculation
Council should approve one of the following policy statements to amend the Council Remuneration Policy 110-005:

**Option 1: Status Quo**

In the fiscal year 2017/18, the Mayor of the Town shall receive remuneration of $27,726, the Deputy Mayor shall receive remuneration of $17,708 and each Councillor shall receive remuneration of $15,135. These rates will be adjusted by the CPI rate for the 2016 calendar year.

**Option 2: Average of Towns with a population between 3,500 and 10,000**

In the fiscal year 2017/18, the Mayor of the Town shall receive remuneration of $28,215, the Deputy Mayor shall receive remuneration of $19,220 and each Councillor shall receive remuneration of $17,050. These rates will be adjusted by the CPI rate for the 2016 calendar year.

**Option 3: Average of Towns with a population between 3,500 and 10,000 without the highest and lowest**

In the fiscal year 2017/18, the Mayor of the Town shall receive remuneration of $29,400, the Deputy Mayor shall receive remuneration of $19,995 and each Councillor shall receive remuneration of $17,700. These rates will be adjusted by the CPI rate for the 2016 calendar year.

**Council Technology**

Staff’s survey asked municipal units what, if any, technology was provided to the Mayor/Warden, Deputy Mayor/Warden and each Councillor; nine units provided data of which three units were municipalities and six were Towns.

For Municipalities: one unit provides cell phones and laptops to all of Council; one unit provides cell phones and iPads/tablets to all of Council; and one unit provides only iPads/tablets to all of Council.

For Towns: one unit provides cell phones, laptops and iPads/tablets to all of Council; one unit provides laptops, iPads/tablets to all of Council and a cell phone to the Mayor only; one unit provides laptops to all of Council and a cell phone and iPad/tablet to the Mayor only; one unit provides iPad/tablets to all of Council and a laptop and cell phone to the Mayor only; one unit provides iPads/tablets to all of Council and a cell phone to the Mayor only; and one unit provides iPads/tablets to all of Council, no cell phones.

Wolfville currently provides iPads and cell phones to all of Council. iPads are required for Council to conduct Town business because all agenda packages and made available through Laserfiche and communications occur through MangoApps and email. If Council decides to provide all of Council with cell phones the average costs per phone would be $720 - $840 annually; or $5,040 - $5,880 for seven phones. Based on the information gathered it was more often than not that only the Mayor was
provided a cell phone. However, in all cases, the combination of technology provided to all of Council or just the Mayor did not result in a best practice to follow.

6) **FINANCIAL IMPLICATIONS**

The recommendation of staff has little to no financial impact to the 2016/17 budget. If Council decides to make changes to Council remuneration levels effective for the new Council term the impact would be between $5,700 and $8,400 above the 2016/17 budget.

7) **REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS**

N/A

8) **COMMUNICATION REQUIREMENTS**

9) **ALTERNATIVES**

- The alternatives are outlined in the discussion of the RFD.
Council Remuneration

Policy Number: 110-005
Supersedes Policy Number: Not Applicable
Effective Date: 1999-06-01
2007-02-28 Amended effective October 2008
Approval By Council (Motion Number): 15-06-99
10-04-07

1.0 Purpose
Pursuant to the Municipal Government Act Section 23 (1) (d). The Town of Wolfville establishes a policy fixing the annual remuneration to be paid to the Mayor, Deputy Mayor and each Councillor of the Town.

2.0 Scope
This Policy is applicable to members of Town Council for the Town of Wolfville.

3.0 References
3.1 Nova Scotia Municipal Government Act (MGA)

4.0 Definitions
4.1 Fiscal year means any twelve (12) month period April 1 of one year to March 31 of the following year.
4.2 Town means the Town of Wolfville, a body corporate.
4.3 CPI means Consumer Price Index for the Province of Nova Scotia.

5.0 Policy
5.1 In the fiscal year 2008 - 2009, the Mayor of the Town shall receive remuneration of $24,355.63, the Deputy Mayor shall receive remuneration of $15,553.00 and each Councillor shall receive remuneration of $13,293.13. These rates will be adjusted by the CPI rate for year 2007.

5.2 In the fiscal year:
- 2008 - 2010;
- 2010 - 2011; and
- 2011 - 2012.

All Council remunerations shall be adjusted in accordance to the CPI of the previous year for the given fiscal calendar year.
5.3 The Mayor shall receive a monthly car allowance of $250.00 for the use of a personal vehicle on Town business within the Kings County area.

5.4 The Chief Administrative Officer shall conduct a market analysis in 2011 to determine the remuneration for the positions of Mayor, Deputy Mayor and Councillors for the fiscal year beginning 2013–2014.

5.5 Compensation for other expenses shall be paid according to Travel Expense Policy # 120-008.

5.6 Remuneration will be paid monthly or bi-weekly by payroll cheque or direct deposit.

5.7 Remuneration paid in any given election year shall be prorated on a daily basis to and from the first Council meeting following the election.

5.8 One-third of the annual remuneration shall be exempt when calculating taxable income, in accordance with subsection 81 (3) of the Income Tax Act. The one-third allowance is for expenses related to the discharge of the duties of council in their capacity as elected officers of the Town.

6 Council Technology

6.1 All of Council shall receive an iPad/tablet during their time on council for the purpose of conducting Town business.

6.2 Only the Mayor shall receive a cell phone during their time on council.

7 Policy Review

7.1 The Chief Administrative Officer shall conduct a market analysis in 2020, prior to the next municipal election, to determine the remuneration for the positions of Mayor, Deputy Mayor and each Council for the fiscal year beginning 2021/22.
## Council Honourarium Review - Comparatives

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Honourarium</th>
<th>Mayor or Warden</th>
<th>Mayor</th>
<th>Deputy Mayor</th>
<th>Councillor</th>
<th>Council Honourarium Adjusted year-to-year</th>
<th>1/3 Honourarium Tax Free</th>
<th>Last Review</th>
<th>Flat Rate Mileage Fee</th>
<th>Benefits to Council</th>
<th>Population (2011 Stats)</th>
<th>Laptop</th>
<th>iPad Tablet</th>
<th>Cell Phone</th>
<th>Office Space</th>
<th># Councillors (excluding Mayor-Warden)</th>
<th>Advisory Committees</th>
<th>Annual Operating Budget</th>
<th>Annual Budget Council Training</th>
</tr>
</thead>
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## Council Honourarium Review - Town of Windsor Comparatives

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SUMMARY

Development Agreement Amendment Fees for 336 Main Street

Council is considering amendments to the development agreement for 336 Main Street. Consideration of the amendment is required to resolve the litigation associated with this development, of which the Town is a party. Staff are recommending the fees for this application be waived.

DRAFT MOTION:

That Council approve waiving of the application fees associated with the development agreement amendment for 336 Main Street.
1) CAO COMMENTS
The CAO supports the recommendations of staff.

2) LEGISLATIVE AUTHORITY
The fee schedule normally is set by Council through policy or bylaw. The normal fee for development agreement is $500.00

3) STAFF RECOMMENDATION
Staff are recommending that the application for the Development Agreement amendment for 336 Main Street be waived.

4) REFERENCES AND ATTACHMENTS
N/A

5) PURPOSE OF REPORT
For Council to consider waiving the fees for the development agreement amendment application for 336 Main Street.

6) DISCUSSION
Council is considering amendments to the development agreement which regulates the development at 336 Main Street. The amendments are required in order for the building to meet Building and Fire code requirements agreed to as a result of litigation action.

As the Town is a party to the settlement agreement which requires amendments to the development agreement application, it would be reasonable to waive the fees associated with this application.

7) FINANCIAL IMPLICATIONS
Normal application fees are $500 for development agreement applications or amendments. The application fee is designed to cover normal advertising and mailing costs. Any costs associated with the application would be absorbed by the Planning department advertising budget.

8) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS
N/A

9) COMMUNICATION REQUIREMENTS
N/A

10) ALTERNATIVES
• To require payment of application fee.
SUMMARY

Nova Scotia Municipal Government Act Review

The Nova Scotia Municipal Government Act is currently undergoing review. This Report provides an update to Council on the status of the ongoing review and provides an opportunity for Council to comment on any of the draft recommendations and proposed housekeeping amendments.
1) CAO COMMENTS
This report is for information purposes only and highlights the recommendations and amendments proposed to date. Council is able to provide formal feedback to the Review Committee on any of the draft recommendations and housekeeping amendments via a motion of Council if they so choose.

2) REFERENCES AND ATTACHMENTS
- NS Municipal Government Act (NS MGA)
- Issue Review Papers (attached)

3) PURPOSE OF REPORT
The purpose of this report is to provide Council with a series of Issue Review Papers and draft recommendations that have been completed to date for information purposes. More Issue Review Papers will follow in the coming months.

4) DISCUSSION
NS MGA Review Mission Statement:

A revised MGA will:

- Provide municipalities with the tools needed to:
  - Deliver local services in an efficient, cost effective manner that reflects the values of the community.
  - Build strong, viable, prosperous, sustainable communities
- Support municipal role in achieving Government’s areas of focus:
  - Innovation
    - Create climate for private sector and social enterprise economic growth to support One NS economic goals
  - People
    - Increase net interprovincial and international immigration levels
    - Enhance health and wellness, communities and social well-being
- All in a fiscally sustainable manner
MGA Review Guiding Principles

- A new MGA will:
  - Balance MGA being more enabling for municipalities with the increased accountability that goes with this
  - Be relevant to current and future needs of municipalities and citizens
  - Provide municipalities with tools to support stable, predictable long-term funding
  - Support economic growth and development
  - Encourage regional approaches, collaboration
  - Enable, promote shared services
  - Use modern, clear language where possible for ease of understanding
  - Recognize differing needs and roles of urban and rural communities
  - Provide clarity for both provincial and municipal roles

5) FINANCIAL IMPLICATIONS
Not Applicable

6) REFERENCES TO COUNCIL STRATEGIC PLAN AND TOWN REPORTS
Strategic Goal #5: Efficient and Effective Leadership from a Committed and Responsive Executive and Administrative Team

7) COMMUNICATION REQUIREMENTS
N/A

8) FUTURE COUNCIL INVOLVEMENT
N/A
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: July 29, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 1 – Capitalization of “Council”

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Capitalization – “Council” has been capitalized throughout the Charter in keeping with the usual format for titles.

Note: Clarification – As set out below, the above description from HRM is not accurate – “Council” is already capitalized in the Charter. The amendment request is to capitalize “Community Council”

Section(s) affected: 3(m) and (n), 20(1A)(a), 24 through 31A, 222(1), 355(2), 367(1), 371.

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below

Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

As noted above, HRM’s description of this amendment is to capitalize "Council" throughout the Charter. This is somewhat confusing, since "Council" is already capitalized throughout the Charter, except where it is used as part of the phrase "community council". I have confirmed with Dirk Slauenwhite, solicitor with HRM, that the capitalization of "Community Council" is the change that HRM is seeking to make.

Capitalizing "Community Council" will not have any substantive effect on the Charter or the way in which it is interpreted. Making this change will also make the capitalization of “Community Council” consistent with the present capitalization in the Charter.

We recommend that this requested amendment be approved for the Charter. That is, that "Community Council" be capitalized where ever it occurs in the Charter.

MGA - Discussion and rationale for recommendation

The situation with respect to the MGA is somewhat different than the Charter. The word "council" is not currently capitalized in the MGA. While there would be no drawbacks or problems with capitalizing "council" and "community council" in the MGA, there would be not real benefit either. Since the word "council" occurs many times throughout the entire MGA, capitalizing "council" might be a tedious process for no real benefit.
While the phrase "community council" is used only a few times in the MGA, capitalizing "community council" without capitalizing "council" would be inconsistent.

**HRM Charter - Amendments**

Amend the Charter to capitalize “community council” to read “Community Council” everywhere it occurs in the Charter. The affected sections include the following: 3(m) and (n), 20(1A)(a), 24 through 31A, 222(1), 355(2), 367(1), 371.

**MGA - Amendments**

None recommended.
HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 3 – “policy” has been replaced with “Administrative Order” throughout the Charter. There has been only one change to the policy definition being the removal of the reference “including Administrative Order”. The removal of these three words will make it identical to the definition of policy in the MGA. Post-amalgamation the HRM Act used the term of Administrative Order to mean policy. It continued to do this after the 1999 introduction of the MGA, which switched to the more modern term “policy.” HRM would like its legislation to reflect the term “Administrative Order” so Council’s naming practice for policies is expressly mentioned in the Charter and all existing AOs do not have to be redrafted. This is an administrative efficiency.

Section(s) affected: 3 and numerous other sections

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below

Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

The change from the use of the word "policy" to the term "Administrative Order" will not have any substantive effect on the Charter or the way in which it is interpreted. HRM's rationale for making this change is reasonable. Using the term "Administrative Order" rather than "policy" will make the wording of the Charter consistent with the practice of HRM that has been in place for many years in referring to policies as "Administrative Orders" in its internal documentation and in the documents made available to the public.

MGA - Discussion and rationale for recommendation

Since HRM is the only municipality, to our knowledge, that currently uses the term "Administrative Order" to refer to policies made by Council, there would be no benefit to changing the terminology in the MGA, and in fact it would probably be counterproductive, since the municipalities governed by the MGA are accustomed to the current references to "policy".

HRM Charter - Amendments
We recommend that the Charter be amended by replacing "policy" with "Administrative Order" throughout the Charter.

In addition, the definition of "policy" at section 3(aw) will have to be revised as follows:

3 (aw) “policy:Administrative Order” means a resolution of the Council that is required, pursuant to this Act, to be recorded in the by-law records of the Municipality, except where the context otherwise requires, and includes an administrative order;

MGA - Amendments

None recommended
MEMORANDUM

TO:         Jeff Shute
            Municipal Affairs

FROM:      Charles Thompson

DATE:      July 29, 2016

RE:        HRM Charter and MGA Review – Housekeeping amendments
            Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
            Amendment 3 – Move all definitions to the beginning of the Act

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 3 Definitions – all definitions in the Charter have been moved into one section at the start.
Consolidating all definitions will make them easier to find and increase transparency.

Section(s) affected: 3 and numerous others

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below

Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We recommend amending the Charter as requested by HRM to move all definitions to s. 3.

At present most of the definitions in the Charter are located in Section 3. However, the definitions related to Planning and Development (Part VIII) and Subdivision (Part IX) are located at the beginning of Part VIII (s. 209). Section 209 contains 23 definitions. There are also a few other definitions throughout the Charter that apply to the sections or Parts in which they are found.

Moving all of the definitions in the Charter to s. 3 will not have any substantive effect on the meaning or interpretation of the Act. The question is whether placing all of the definitions at the beginning will make them "easier to find and increase transparency" as claimed by HRM in the above.

Because HRM has requested that all definitions be moved to the beginning of the Charter, we recommend that these amendments be made, since in our view this change is really a matter of preference.

MGA - Discussion and rationale for recommendation

We do not recommend any amendment to the MGA.

As stated above, whether all definitions are placed at the beginning of the Act, or are left in their current locations, is a matter of preference rather than substance.
It is our understanding that, where definitions are only applicable to a certain part or section of a statute, it is acceptable in modern legislative drafting for those definitions to be placed at the beginning of that part or section. As with the Charter, in the MGA there are many definitions that apply only to Planning and Development (Part VIII) and Subdivision (Part IX), which are currently found at the beginning of Part VIII in s. 191. There are also many definitions that apply only to the FOIPOP provisions at Part XX, found in Section 461. Moving all of these definitions to the beginning of the MGA would create a very lengthy section 3. It is arguably more “user-friendly” to leave the definitions where they are.

We are not convinced that moving all of the definitions to the beginning of the MGA would be beneficial. Based on our review of the issues that arose from the MGA review consultation process, it does not appear that any municipality or other stakeholder requested that all of the definitions in the MGA be placed at the beginning of the Act. Municipalities and other users of the MGA are accustomed to working with the definitions in their current locations.

**HRM Charter - Amendments**

Make the following amendments:

(a) Move all 23 definitions from Planning and Development – Part VIII, currently located in s. 209, to s. 3.

(b) Move s. 111(1), which defines "commitment" for the purposes of s. 111, to s. 3 to read along the lines of the following:

   1113 (??4) *In this Section, “commitment” means, for the purposes of Section 111, a commitment with respect to the possession, use or control of physical or intellectual property.*

(c) Move the definition of "income" from s. 86 to s. 3, to read along the lines of the following:

   863 (??4) *In this Section and Section 88, “income” means, for the purposes of Sections 86 and 88, a person’s total income from all sources for the calendar year preceding the fiscal year of the Municipality and, where so determined by the Council, includes the income of all other members of the same family residing in the same household, but does not include an allowance paid pursuant to the War Veterans Allowance Act (Canada) or pension paid pursuant to the Pension Act (Canada).*

**MGA - Amendments**

None recommended.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: July 29, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
   Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
   Amendment 4 – Insert FOIPOP definitions at the beginning of the Charter

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

   Section 3(i) – the FOIPOP definitions have been included as FOIPOP has been moved into the HRM Charter in this draft version. Consolidating all legislation relevant to HRM in the Charter is designed to make it easier to find and increase transparency.

   Note: Clarification – HRM’s memo references section 3, but the real change at issue is moving FOIPOP (Part XX of the MGA) into the Charter.

Section(s) affected: 3 and numerous others

Recommendation from Burchell MacDougall:

   Recommendation for Charter: Do not amend at present

   Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

HRM’s memo references inserting the FOIPOP definitions from Part XX of the MGA into the definitions section, s. 3, of the Charter. As noted above, this would be part of an amendment to insert all of Part XX of the MGA into the Charter, so that the Charter has its own FOIPOP provisions. At present, s. 366 of the Charter simply states “Part XX of the Municipal Government Act applies to the Municipality.”

HRM states that “consolidating all legislation relevant to HRM in the Charter is designed to make it easier to find and increase transparency”. We agree with this statement in principle. However, we do not believe that moving incorporating Parts of the MGA into the Charter should happen piecemeal. There are several Parts of the MGA that the Charter incorporates. In addition to the FOIPOP provisions, these include the following:

   (a) Section 122 of the Charter - incorporates Part V of the MGA – Deed Transfers
   (b) Section 364 of the Charter - incorporates Part XVI of the MGA – Boundaries
   (c) Section 365 of the Charter - incorporates Part XIX of the MGA – Municipal Affairs

We are not clear whether HRM is proposing to move all of the above parts to the Charter at this time. It seems to us that making these changes would be ambitious given the current time constraints.
In light of the above, we recommend that the FOIPOP provisions not be added to the Charter at this time, and therefore the FOIPOP definitions should not be added to s. 3 of the Charter.

**MGA - Discussion and rationale for recommendation**

As discussed in our memo on Amendment 3, we recommend leaving the definitions in the MGA in their current locations. We therefore do not recommend moving the FOIPOP definitions from Part XX to s. 3.

**HRM Charter - Amendments**

None recommended

**MGA - Amendments**

None recommended
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: July 29, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments

Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 5 – Change the title of “Treasurer” to “Chief Financial Officer”

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 3(n) – the title of Treasurer has been changed to Chief Financial Officer. This is to modernize the title and make it more reflective of the HRM Finance Director’s duties.

Section(s) affected: 3 plus numerous other sections

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below

Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We recommend the Charter be amended as requested by HRM to change all reference to “Treasurer” to “Chief Financial Officer”.

The suggested amendment is simply a change in title. The amendment will not affect the substance or interpretation of the Charter. Since HRM already has a senior staff person designated as "Chief Financial Officer", who performs the duties of the Treasurer set out in the Charter, amending the Charter to reflect this terminology makes sense.

MGA - Discussion and rationale for recommendation

We do not recommend making the same change to the MGA.

The situation with respect to the MGA is somewhat different. Municipalities (other than HRM) throughout the province use a variety of titles and descriptions for their senior financial staff people who perform the duties of Treasurer that are set out in the MGA. Examples include "Director of Finance" (Truro); "Manager of Finance" (Kings County); "Finance Manager" and "Director of Corporate Services" (Colchester County). In some smaller municipalities the CAO performs the duties of Treasurer. In light of the wide variety of terminology used by different municipalities, it would probably be counter-productive to amend the MGA to rename the "Treasurer" as "Chief Financial Officer".
HRM Charter - Amendments

Amend s. 3 as follows:

3 (by) “Treasurer” means the Chief Financial Officer of the Municipality, and includes a person acting under the supervision and direction of the Chief Financial Officer;

Also replace “Treasurer” with “Chief Financial Officer” wherever it appears in the Charter.

MGA - Amendments

None recommended
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 2, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments

Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”

Amendment 6 – Amend 10(3) to allow CAO to sign municipal documents

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 10(3) – adds the CAO to the list of individuals permitted to sign on behalf of the Municipality. Currently only the Mayor and the Clerk must both sign. There are times when the Mayor could be away for an extended period (e.g., vacation, business trip, illness). With no one else designated as a permitted signatory, HRM’s business processes cease until the Mayor returns. Adding the CAO as another permitted signatory is an administrative efficiency so that the business of the Municipality can continue if the Mayor is not available.

Note: Clarification – We confirmed with Derk Slaunwhite, a solicitor with HRM, that the goal of this amendment is to have the CAO available as a back-up signatory, who would sign documents only when the Mayor and Deputy Mayor are not available. We also confirmed that under the proposed amendment, s. 10(3) would still require 2 signatures – documents could not be signed by only the CAO on his or her own.

Section(s) affected: 10(3) of Charter, 13(3) of MGA

Recommendation from Burchell MacDougall:

Recommenda
tion for Charter: Amend as set out below

Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We recommend that the amendment sought by HRM be made.

Taking HRM’s word that the current wording causes problems when both the Mayor and Deputy Mayor are absent, the amendment to allow the CAO to sign documents when necessary sought seems reasonable. Two signatures would still be required, so there would not be any decrease in security or accountability.

The amendment should permit the CAO to sign deeds or other documents in place of the Mayor or Clerk if the Mayor and Deputy Mayor, or the Clerk, are unavailable to do so.
MGA - Discussion and rationale for recommendation

We recommend that the equivalent section of the MGA [s. 13(3)] not be amended, for the following reasons:

(a) This amendment was not requested by any municipalities or stakeholders in the review consultation process.

(b) In many municipalities, the Clerk and the CAO are the same person, so this amendment would not be of any assistance.

(c) Section 13(3) of the MGA already provides flexibility to allow municipalities make a policy to designate a person other than the Mayor/Warden and Clerk to sign documents. Municipalities can use this power to tailor their own solution to the problem of needing to have documents signed when the Mayor/Warden and Deputy Mayor/Warden or the Clerk are all unavailable.

HRM Charter - Amendments

Amend s. 10 along the lines of the following:

10 (3) The Mayor and Clerk or the persons designated by the Council by policy may sign a deed or other document to which the Municipality is a party on behalf of the Municipality.

(4) If the Mayor or Clerk is unable or unavailable to sign a deed or other document on behalf of the Municipality, the Chief Administrative Officer may sign the document in place of the Mayor or Clerk.

MGA - Amendments

None recommended.

Relevant sections of the Charter and MGA

Charter

10 (3) The Mayor and Clerk or the persons designated by the Council by policy may sign a deed or other document to which the Municipality is a party on behalf of the Municipality.

MGA

14 (3) The mayor or warden and clerk or the persons designated by the council by policy may sign a deed or other document to which the municipality is a party on behalf of the municipality.
MEMORANDUM

TO:        Jeff Shute
           Municipal Affairs

FROM:     Charles Thompson

DATE:    August 2, 2016

RE:  HRM Charter and MGA Review – Housekeeping amendments
     Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
     Amendment 7 – Amend 19(6) to add Mayor to non-disclosure requirements

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

     Section 19(6) – add the Mayor to the non-disclosure clause for In Camera discussions. This clause was
     added at Council’s request some years ago, to deter HRM Councillors and employees from discussing
     in-camera issues publicly by making them financially liable for any losses incurred by the sharing of
     information. A drafting oversight omitted to include the “Mayor” along with “Councillor” and
     “employee.” This change includes reference to the Mayor or, alternatively, could simply read “any
     member of the Council” to cover the Councillors and the Mayor.

Section(s) affected: 19(6) of Charter, 22(6) of MGA

Recommendation from Burchell MacDougall:

     Recommendation for Charter: Amend as set out below

     Recommendation for MGA: Amend as set out below

HRM Charter - Discussion and rationale for recommendation

We recommend that the amendment sought by HRM be made.

Section 19(6) states that a councillor or employee of the Municipality who discloses information presented at an
in camera/private meeting of Council is personally liable if the disclosure results in a financial loss to the
Municipality or financial gain to the councillor or employee.

We agree with HRM’s comments. Section 3(p) of the Charter defines “councillor” as a Council member other
than the Mayor, so s. 19(6) as it is currently worded does not apply to the Mayor. This oversight should be
corrected.

MGA - Discussion and rationale for recommendation

We also recommend that the MGA be amended in the same way. The same analysis applies to the equivalent
section of the MGA, s. 22(6).
HRM Charter - Amendments

Amend s. 19(6) along the lines of the following:

19 (6) Any member of the Council or employee of the Municipality who discloses any report submitted to, or details of matters discussed at, a private meeting of the Council or a committee, as a result of which the Municipality has lost financially or the member of the Council or employee of the Municipality has gained financially, is liable in damages to the Municipality for the amount of the loss or gain.

MGA - Amendments

Amend s. 22(6) along the lines of the following:

22 (6) Any member of the council or employee of a municipality who discloses any report submitted to, or details of matters discussed at, a private meeting of the council or committee, as a result of which the municipality has lost financially or the member of the council or employee of a municipality has gained financially, is liable in damages to the municipality for the amount of the loss or gain.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 2, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 8 – Reorganize to create new Parts for “Committees” and “Community Councils”

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Part 1(A) Committees and Part 1(B) Community Councils – this is a new section that merely
consolidates all information on committees and community councils in one spot. There have been no
substantive changes, only a few more details for clarification of powers to some sections.

Section(s) affected: 21 to 32, 48 of Charter
24 to 27, 44 of MGA

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below
Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We recommend that the amendment sought by HRM be made.

The sections of the Charter at issue, sections 21 to 32, deal with both committees and community councils at the
same time. It would be clearer for the Charter to have separate Parts for these two distinct topics.

Note that the draft amendments proposed by HRM include a substantive change to s. 31A, which currently
allows a Community Council to establish incentive or bonus zoning arrangements in place of Council, but only
in the HRM by Design Downtown Plan Area and the Centre Plan Area. The changes proposed by HRM would
give Community Councils this power throughout the entire Municipality if authorized to do so by Council or in
a land use by-law. We do not recommend this change to s. 31A at this stage, since it appears to beyond a
housekeeping amendment.

MGA - Discussion and rationale for recommendation

We do not recommend any amendment to the MGA.
The situation with the MGA is different from the Charter in this area, since the MGA does not have any provisions dealing with community councils. In our opinion there would be no significant benefit to amending the MGA.

**HRM Charter - Amendments**

Amend to create a Part entitled “Committees”, which will contain the existing sections 21, 22, 23 and 32. This Part will also contain existing s. 48, which creates and sets out the responsibilities of the audit committee. Section 48 is currently located in Part II, Administration, along with the provisions regarding audits, the municipal auditor and the Auditor General.

Also create a Part called “Community Councils”, which will contain the existing sections 24 to 28, and sections 30 to 31A. Section 29, dealing with the power of Community Councils to establish area rates, will be moved to Part IV – Finance, where the rest of the provisions of the Charter dealing with area rates and other taxes and charges is located.

We suggest the amendments look along the lines of the following. Note the changes below do not include capitalizing “Community Council” and replacing “policy” with “Administrative Order” as recommended in our Memos on Amendments 1 and 2.

**PART IA
COMMITTEES**

**Standing, special and advisory committees**

21 (1) The Council may establish standing, special and advisory committees.

(2) Each committee shall perform the duties conferred on it by this Act, any other Act of the Legislature or the by-laws or policies of the Municipality.

(3) The Council may appoint persons who are not members of the Council to a committee and may establish a procedure for doing so.

(4) A committee shall operate in accordance with the procedures provided in this Act and the procedural policy for the Council applies to committees unless the Council, by policy, decides otherwise.

(5) A member of a committee established by the Council who is a Council member is not entitled to additional remuneration for serving on the committee but may be reimbursed for expenses incurred as a committee member.

(6) A committee member who is not a Council member may be

(a) paid an annual honorarium for serving on the committee, as determined by the Council by policy, and an honorarium may be a different amount if the person is chair of a committee and honorariums may differ for different committees; and

(b) reimbursed for expenses incurred as a committee member.

(7) Where a Council member is appointed to a committee, board or commission as a representative of the Council, the Council member’s appointment ceases if and when person ceases to be a Council member.

**Audit committee**

48-21A (1) The Council shall annually appoint an audit committee.
(2) The responsibilities of the audit committee include

(a) a detailed review of the financial statements of the Municipality with the Auditor;

(b) an evaluation of internal control systems and any management letter with the Auditor;

(c) a review of the conduct and adequacy of the audit;

(d) such matters arising out of the audit as may appear to the audit committee to require investigation;

(e) such other matters as may be determined by the Council to be the duties of an audit committee;

(f) any other matters as may be determined by the Council.

Vacancy on board, commission or committee
22 (1) A person appointed by the Council as a member of a board, commission or committee pursuant to this or any other Act of the Legislature who, without leave of the board, commission or committee, is absent from three consecutive regular meetings, ceases to be a member.

(2) The secretary of the board, commission or committee shall immediately notify the Council of a vacancy, and the Council shall fill the vacancy.

Citizen advisory committees
23 The Council may establish, by policy, citizen advisory committees which shall advise the Council, as directed by the Council.

Community committees
23A (1) The Council may establish, by policy, a community committee for an area.

(2) A policy establishing a community committee must

(a) define the boundaries of the area for which the committee is responsible and set out the duties of the committee; and

(b) include such other matters as the Council deems advisable.

(3) The powers and duties of a community committee may include

(a) monitoring the provision of services to the area for which the committee is responsible and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;

(b) the establishment of one or more advisory subcommittees;

(c) making recommendations to the Council respecting any matter intended to improve conditions in the area for which the committee is responsible including, but not limited to, recommendations respecting

(i) inadequacies in existing services provided to the area and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised,

(ii) by-laws or regulations, including those regarding planning, that are required, and
(iii) the adoption of policies that would allow the people of the area to participate more effectively in the governance of the area.

### PART IB

#### COMMUNITY COUNCILS

**Community councils**

24 (1) The Council may, by policy, establish a community council for an area.

(2) A policy establishing a community council must define the boundaries of the community and the community must include the whole, or part of, at least three polling districts.

(3) The number of electors in a community must be at least twice the average number of electors per polling district in the Municipality.

(4) The community council for each community consists of the councillors elected from the polling districts included, in whole or in part, in the community.

**Powers and duties of community council**

25 The powers and duties of a community council include

(a) monitoring the provision of services to the community and recommending the appropriate level of services, areas where additional services are required and ways in which the provision of services can be improved;

(b) the establishment of one or more advisory committees;

(c) recommending to the Council appropriate by-laws, regulations, controls and development standards for the community;

(d) recommending to the Council appropriate user charges for the different parts of the community;

(e) making recommendations to the Council respecting any matter intended to improve conditions in the community including, but not limited to, recommendations respecting

   (i) inadequacies in existing services provided to the community and the manner in which they might be resolved, additional services that might be required and the manner in which the costs of funding these services might be raised, and

   (ii) the adoption of policies that would allow the people of the community to participate more effectively in the governance of the community; and

(f) making recommendations to the Council on any matter referred to it by the Council.

**Election of chair and rules**

26 (1) A community council shall annually elect its chair from among its members.

(2) The chair shall be elected at the first meeting of the community council after the members are elected.

(3) Subject to any policy adopted by the Council, a community council may make rules governing its procedures, the appointment of committees and the number and frequency of its meetings.

(4) Any rules passed by a community council must be filed with the secretary of the community council and the Clerk.
Annual public meeting of community council
27 (1) A community council shall hold an annual public meeting in the community in each year to report to the public concerning its activities and to receive the views of the public respecting all matters within its mandate.

(2) Except as otherwise provided in this Section, all meetings of a community council must be open to the public.

(3) A community council may meet privately to discuss matters relating to

   (a) acquisition, sale, lease and security of municipal property;
   (b) personnel matters;
   (c) litigation or potential litigation;
   (d) legal advice eligible for solicitor-client privilege;
   (e) public security.

(4) No decision may be made at a private community council meeting except a decision concerning procedural matters or to give direction to staff of the Municipality.

(5) A record that is open to the public must be made, noting the fact that the community council met in private, the type of matter that was discussed, as set out in subsection (3), and the date, but no other information.

Secretary of community council
28 (1) The Chief Administrative Officer shall appoint an employee of the Municipality to act as the secretary of a community council.

(2) The secretary of a community council is responsible for maintaining the minutes of the community council and its books, records and accounts and for the certification of any document required to be certified as having been adopted by the community council.

**Section 29 – move to become s. 96A – see below**

Community planning advisory committee and land-use by-law
30 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.

(2) A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.

(3) A community council may amend the land-use by-law of the Municipality applicable to the community with respect to any property in the community if the amendment carries out the intent of any municipal planning strategy of the Municipality applicable to the property and, in doing so, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.

(4) A community council stands in the place and stead of the Council with respect to variances and site-plan approvals and Part VIII applies with all necessary changes.

Development agreements by community councils
31 (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
(2) Where a municipal planning strategy of the Municipality provides for development by agreement, the community council stands in the place and stead of the Council and Part VIII applies with all necessary changes.

(3) A development agreement, or amendment to a development agreement, entered into by a community council must be signed by the Mayor and the Clerk on behalf of the Municipality.

(4) Where a development agreement entered into by a community council purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by the Council.

**HRM by Design Downtown Plan Area and Centre Plan Area**

31A (1) This Section applies only with respect to the HRM by Design Downtown Plan Area and the Centre Plan Area.

(2) A community council stands in the place and stead of the Council with respect to incentive or bonus zoning agreements if the Council so provides in the policy establishing the community council.

(3) A development officer stands in the place and stead of the Council with respect to incentive or bonus zoning agreements to the extent that the Council so provides by land-use by-law.

(4) An incentive or bonus zoning agreement, or amendment to an incentive or bonus zoning agreement, entered into by a community council or a development officer must be signed by the Mayor and the Clerk on behalf of the Municipality.

(5) Where an incentive or bonus zoning agreement entered into by a community council or a development officer purports to commit the Municipality to an expenditure, the commitment has no force or effect until approved by the Council.

**Move s. 29 to Part IV – Finance. We suggest moving it to become s. 96A:**

**Area rates**

29-96A (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.

(2) A community council may determine expenditures, to be financed by area rate, that should be made in, or for the benefit of, the community.

(3) Except in the first year that it is established, a community council shall submit to the Council its proposed operating budget for services to be provided to the community to be financed by area rate and its proposed capital budget for projects for which the Municipality will be required to borrow money and will charge back all or part of the debt charges to the community.

(4) The Council shall levy an area rate in the community to recover the cost of

(a) that part of the budget of the community council that is accepted by the Council;

(b) the debt charges applicable to capital expenditures in and for the benefit of the community that are approved by the Council, except those capital expenditures financed out of the general levy;

(c) the community’s fair share of the cost of services provided generally in the Municipality and financed by area rates;

(d) the additional administrative costs, determined by the Council to have been imposed by any additional services provided to the community;
(e) the administrative costs of the community council, including any expenses paid to the members;

(f) the estimated deficit from the previous year; and

(g) a reasonable allowance, as determined by the Council, for the abatement, losses and expenses respecting any amounts that might not be collected or collectable,

less

(h) any subsidy to the area rate from the general levy that may be approved by the Council;

(i) the estimated surplus from the previous year; and

(j) the revenues from the community attributable to charges levied with respect to services or capital facilities provided.

(5) The area rate may be at different rates in different parts of the community.

(6) A community council may determine upon what money contained in the budget approved by the Council is spent, if the sum of all expenditures does not exceed the sum so approved.

(7) A community council is subject to the general purchasing, contracting and tendering policies established by the Council.

(8) A community council may not expend funds with respect to a capital project that cannot be paid for in full out of the area rate, unless the project has been approved by the Council.

(9) A community council may not, in any fiscal year, incur or make expenditures that will result in a total expenditure in excess of its budget for that year.

**MGA - Amendments**

None recommended.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 2, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 9 – Change title of Part II from “Administration” to “Officers”

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Part II – Officers of the Municipality
Title – “Administration” has been changed to “Officers” to more accurately reflect the contents of the section, which has to do with roles and responsibilities for specific positions.

Section(s) affected: Title of Part II

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below

Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We recommend that the amendment sought by HRM be made.

We are not convinced that the title “Officers of the Municipality” is any more accurate or descriptive than the existing title, “Administration of the Municipality”. Part II does contain descriptions and assigns roles and responsibilities for various senior positions, like the CAO, Clerk, Treasurer, Engineer, Auditor and Auditor General. However, it also has other provisions relating to the administration of the Municipality, such as records management, proof of Municipal documents in court, and pension plans.

Having said the above, the amendment sought by HRM is innocuous and will not affect the interpretation or substance of the Charter, so in light of HRM’s request we recommend the amendment be made.

MGA - Discussion and rationale for recommendation

We do not recommend any amendment to the MGA.

As stated above, we are not convinced that changing the word “Administration” to “Officers” in the title to Part II will make the MGA any more accurate or clear. Since this request was not made by any of the municipalities
in the MGA review consultations, and municipalities are accustomed to the current wording, we suggest leaving the title of Part II as is.

**HRM Charter - Amendments**

Change the title for Part II as follows:

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PART II
ADMINISTRATION OFFICERS OF THE MUNICIPALITY
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**MGA - Amendments**

None recommended.
MEMORANDUM

TO: Jeff Shute
    Municipal Affairs

FROM: Charles Thompson

DATE: August 5, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
    Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
    Amendment 10 – Broaden powers of CAO

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 35(A) CAO Powers – this re-states the powers of the CAO by giving a general grant of power and listing restrictions. This was drafted to give Council greater clarity, as there have been occasions when several questions have been raised (2015 discussion on executive pension plan is one example).

Section(s) affected: Charter – 35
                     MGA – 31

Recommendation from Burchell MacDougall:

   Recommendation for Charter: Do not amend

   Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We do not recommend that the amendment sought by HRM be made.

We do not understand this proposed amendment in the context of HRM’s discussion of it, above. According to the above, the proposed amendment would give the CAO a general grant of power and then list restrictions. However, the draft amended Charter that HRM has provided does not make these changes. There does not appear to be any general grant of powers to the CAO in HRM’s proposed amendments. Most of the proposed changes to s. 35 in HRM’s draft are very minor changes in capitalization or terminology.

Aside from the lack of clarity in HRM’s request, a change to the powers of the CAO is not likely to be a housekeeping amendment, but would be a substantive amendment that would require further analysis and review.

Given the above, we do not recommend the proposed amendments to the Charter changing the powers of the CAO.

MGA - Discussion and rationale for recommendation

We do not recommend this amendment for the MGA for the reasons set out above. Section 31 of the MGA is almost identical to s. 31 of the Charter.
HRM Charter - Amendments

None recommended

MGA – Amendments

None recommended

Relevant provisions

Section 35 of the Charter, which sets out the powers and responsibilities of the CAO, currently reads as follows. Section 31 of the MGA is almost identical.

Responsibilities of Chief Administrative Officer

35 (1) The Chief Administrative Officer shall

(a) coordinate and direct the preparation of plans and programs to be submitted to the Council for the construction, rehabilitation and maintenance of all municipal property and facilities;

(b) ensure that the annual budget is prepared and submitted to the Council;

(c) be responsible for the administration of the budget after adoption;

(d) review the drafts of all proposed by-laws and policies and make recommendations to the Council with respect to them;

(e) carry out such additional duties and exercise such additional responsibilities as the Council may, from time to time, direct.

(2) The Chief Administrative Officer may

(a) attend all meetings of the Council and any board, committee, commission or corporation of the Municipality and make observations and suggestions on any subject under discussion;

(b) appoint, suspend and remove all employees of the Municipality, with power to further delegate this authority;

(c) act, or appoint a person to act, as bargaining agent for the Municipality in the negotiation of contracts between the Municipality and any trade union or employee association and recommend to the Council agreements with respect to them;

(d) subject to policies adopted by the Council,
   (i) make or authorize expenditures, and enter into contracts on behalf of the Municipality, for anything required for the Municipality where the amount of the expenditure is budgeted or within the amount determined by the Council by policy, and may delegate this authority to employees of the Municipality,
   (ii) sell personal property belonging to the Municipality that, in the opinion of the Chief Administrative Officer, is obsolete, unsuitable for use, surplus to requirements of, or no longer needed by, the Municipality, and may delegate this authority to employees of the Municipality,
   (iii) personally, or by an agent, negotiate and execute leases of real property owned by the Municipality that are for a term not exceeding one year, including renewals,
   (iv) establish departments of the municipal administration,
(v) adopt a system of classification of positions of municipal officers and employees and specify offices that must not be filled by the same person,
(vi) determine the salaries, wages and emoluments to be paid to municipal officers and employees, including payment pursuant to a classification system,
(vii) where not otherwise provided for, fix the amount in which security is to be given by municipal officers and employees, the form of security, the manner in which security is to be given and approved and the nature of the security to be given;

(e) authorize, in the name of the Municipality, the commencement or defence of a legal action or proceedings before a court, board or tribunal, including reporting the commencement of the legal action, defence or proceeding to the Council at the next meeting and may, where the Council so provides by policy, delegate this authority to employees of the Municipality;

(f) where the Council so provides by policy, settle a legal action or proceeding in accordance with the policy.

(3) A lease executed by the Chief Administrative Officer is as binding on the Municipality as if it had been specifically authorized by the Council and executed by the Mayor and Clerk on behalf of the Municipality.

(4) Notwithstanding subsections 37(1), 41(1) and 43(1) and Section 45, the Chief Administrative Officer may, with the consent of Council, perform the duties of the Clerk, Treasurer, Engineer and Administrator, or any of them, pursuant to this Act.

(5) The Chief Administrative Officer may from time to time appoint an employee of the Municipality to act in the place of the Chief Administrative Officer when the Chief Administrative Officer is absent or unable to act.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 6, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 12 – Entitle Municipal Solicitor to attend all Council and committee meetings

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 36(A)(3) – clarify the Municipal Solicitor may attend all Council and committee meetings. This is an addition that brings legislation in line with practice. The role of the Municipal Solicitor is to provide legal advice to the Municipality which includes both the CAO and Council and therefore he or she should have the option to be present at all Council meetings. Currently the legislation only specifically states that the CAO may attend all Council meetings. Technically the Solicitor could be barred from attending meetings without explicit legislative authority to attend. This change confirms the authority and practice to attend all meetings just like the CAO.

NOTE: The proposed amendment as presented in the draft amended Charter provided by HRM would do more than what is outlined in the above description, as set out in the discussion in this Memo.

Section(s) affected: Charter – new section in Part II, 36(2), 19(3) and 148(4)(a)
MGA – new section in Part II

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below
Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We recommend that most of the amendment sought by HRM be made.

HRM is correct that at present, the Charter does not state the Municipal Solicitor is entitled to attend all Council and committee meetings. The Charter does not require that there be a Municipal Solicitor at all.

The amendment proposed by HRM would:

(a) create a new section of the Charter in Part II, under which the CAO would designate an employee of the Municipality to be the Municipal Solicitor and the Municipal Solicitor may designate a Deputy Municipal Solicitor, both of whom would be required to be lawyers entitled to practice law in Nova Scotia;
(b) entitle the Municipal Solicitor to attend all meetings of Council, committees and other boards or commissions of the Municipality;

(c) state the Municipal Solicitor may, with the approval of Council and the CAO, act for a “municipal body”;

(d) empower the Municipal Solicitor to alter the organization, change the language, and correct errors in any HRM by-law;

(e) move section 36(2) of the Charter to the newly-created section [s. 36(2) states that a report from the solicitor is to be presented to Council by the solicitor].

We recommend that all of the amendments proposed by HRM be made except (d) above.

(a) and (b): According to HRM’s rationale, amendments (a) and (b) above would simply make the Charter reflect current practice and confirm the Municipal Solicitor’s authority to attend all Council and committee meetings. We see no drawback to making these two changes to the Charter, since they have been requested by HRM.

(c): Amendment (c) above also seems uncontroversial, and probably a reflection of the current practice in HRM at present – likely HRM solicitors presently act for HRM entities like the Water Commission. We see no difficulty with this part of the amendment, especially since the CAO and Council must consent before the Municipal Solicitor acts for an HRM entity. Our only hesitation with this aspect of the amendment is that we are not sure it is necessary – even without the amendment, we believe the Municipal Solicitor would be able to act for an HRM entity if directed to do so by the CAO and Council. However, we see no drawback to making this explicit in the Charter.

Note that the wording proposed by HRM is that the Municipal Solicitor may act for a “municipal body”, which is a defined term in the FOIPOP provisions of Part XX of the MGA. As noted in our Memo on proposed HRM Amendment 4, we do not recommend that the FOIPOP provisions of the MGA be added to the Charter at present. As a result, we suggest that instead of referring to a “municipal body”, the amendment adopt the terminology from s. 35(2)(a) of the Charter, which sets out the power of the CAO to attend all meetings of “Council and any board, committee, commission or corporation of the Municipality.”

(d): In our opinion, granting the Municipal Solicitor the power to alter by-laws after they have been passed by Council is not a housekeeping amendment. We recommend that HRM be asked to provide further analysis and research, including examples of other jurisdictions that have a similar provision and an explanation of the process by which the solicitor would make changes to an existing by-law, before this part of the amendment be considered.

(e): If a new section is added to the Charter regarding the Municipal Solicitor, it makes sense to move s. 36(2) to this new section, so all provisions regarding the responsibilities and powers of the solicitor are in the same place in the Charter.

MGA - Discussion and rationale for recommendation

We do not recommend any part of this amendment for the MGA.
HRM differs from almost all other municipalities in the Nova Scotia in that it has its own in-house legal department with several solicitors as HRM employees (a small number of other municipalities do have in-house legal counsel). Other municipalities retain lawyers in private practice, and use legal counsel to varying extents, depending upon their size, resources, and needs. Some municipalities have their solicitors attend all council meetings as well as some committee meetings, but some smaller municipalities only call on their solicitor to attend council or committee meetings, or for other matters, as needed.

In our opinion, this difference between HRM and other municipalities in the province makes it unwise and unnecessary to make the same or similar amendments to the MGA regarding a municipal solicitor as those proposed for the Charter.

(a) Requiring all municipalities to have an “official” Municipal Solicitor with the power to attend all council and committee meetings could be problematic. As stated, at present in many municipalities, legal counsel only attends council or committee meetings if asked to do so by the CAO or Council.

(b) The amendment sought by HRM states that the Municipal Solicitor is appointed by the CAO. Imposing this requirement on all municipalities in the MGA would be a concern, since the practice of some municipalities is to have the solicitor selected by council.

(c) To our knowledge, no problems or concerns regarding municipal solicitors were raised during the MGA Review consultation process, so it appears this issue is not a concern for municipalities.

**HRM Charter - Amendments**

Amend the Charter as follows:

(a) create a new section under which the CAO will designate an employee of the Municipality to be the Municipal Solicitor and the Municipal Solicitor may designate a Deputy Municipal Solicitor, both of whom are required to be lawyers entitled to practice law in Nova Scotia;

(b) entitle the Municipal Solicitor to attend all meetings of Council, committees and other boards or commissions of the Municipality;

(c) state that the Municipal Solicitor may, with the approval of Council and the CAO, act for an HRM entity;

(d) move section 36(2) of the Charter to the new “Municipal Solicitor” section;

(e) change the references to the “solicitor for the Municipality” to “Municipal Solicitor” throughout the Charter, including s. 19(3) and s. 148(4)(a).

**We suggest the wording of the amendments be along the lines of the following:**

New section 36A as follows:

**Municipal Solicitor**

36A (1) The Chief Administrative Officer shall designate an employee of the Municipality who is licensed to practice law in the Province to be the Municipal Solicitor of the Municipality:
(2) The Municipal Solicitor may appoint an employee of the Municipality who is licensed to practice law in the Province to be the Deputy Municipal Solicitor, who shall act in the place of the Municipal Solicitor at the request of, or in the absence of, the Municipal Solicitor;

(3) The Municipal Solicitor may attend all meetings of the Council and any Community Council, board, committee, commission or corporation of the Municipality;

(4) The Municipal Solicitor may, with the consent of the Council and the Chief Administrative Officer, act for any board, commission or corporation of the Municipality;

Delete s. 36(2) to become s. 36A(5) as follows:

36(2)-36A(5) A report or recommendation from the solicitor of the Municipality shall be presented to the Council by the Municipal Solicitor and the Chief Administrative Officer shall be informed of the contents in advance of the presentation to the Council, unless the report or recommendation is with respect to the Chief Administrative Officer.

Amend s. 19(3) as follows:

(3) No decision may be made at a private Council meeting except a decision concerning procedural matters or to give direction to the Municipal Solicitor or other staff of, or solicitors for, the Municipality.

Amend s. 148(4)(a) as follows:

(4) The Municipality is not required to put a property up for tax sale if

(a) the Municipal Solicitor for the Municipality advises that a sale of the property would expose the Municipality to an unacceptable risk of litigation;

**MGA – Amendments**

None recommended.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 5, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 13 – Making Auditor General files exempt from FOIPOP

**HRM’s description in memo “HRM Charter Amendments – Policy Rationale”**

Section 52(A) – Municipal Auditor General and FOI. This aligns FOI rules for the Municipal AG with the Provincial AG so that all information contained in AG files, audits and records is exempt from FOIPOP disclosure. Currently the legislation is silent on the status of the Municipal AG in regards to FOIPOP. This change is the same language used in the NS Auditor General Act and confirms that Municipal AG information is also meant to be confidential.

**Section(s) affected:** New section (proposed 52A)

**Recommendation from Burchell MacDougall:**

- **Recommendation for Charter:** Do not amend
- **Recommendation for MGA:** Do not amend

**HRM Charter - Discussion and rationale for recommendation**

We do not recommend that the amendment sought by HRM be made.

HRM is proposing that a new provision be added to the Charter in the sections dealing with the HRM Auditor General. This new section would state that all of the records held in the Office of the Auditor General would be exempt from disclosure under the Freedom of Information and Protection of Privacy (“FOIPOP”) provisions of the Charter/MGA (Part XX of the MGA) and exempt from disclosure under any other legislation.

HRM notes that the provincial *Auditor General Act* contains a provision similar to the one sought for the Charter; s. 13(2) of the *Auditor General Act* states that all information contained in the files of the Office of the provincial AG is exempt from the *Freedom of Information and Protection of Privacy Act* and disclosure under any other legislation. HRM proposes that the provisions related to the HRM AG should be the same as those related to the provincial AG in this respect.

In our opinion, this amendment is not a housekeeping amendment. Making the records of the HRM AG exempt from disclosure under FOIPOP may be seen as a significant issue by the public, the media and others. The Charter was amended to add the provisions creating the HRM AG fairly recently (2008), and a provision stating
that the HRM AG’s records were not subject to disclosure was not included in those amendments. This may have been an oversight at the time, or there may have been a policy reason for not including this provision.

We suggest that this amendment should not be made without further research on the issue, including the rationale for not including this provision in the 2008 amendments and perhaps a review of how this issue is treated in other jurisdictions.

**MGA - Discussion and rationale for recommendation**

We do not recommend any amendment to the MGA.

The MGA does not have provisions for a municipal Auditor General, so this issue does not apply to the MGA.

**HRM Charter - Amendments**

None recommended.

**MGA - Amendments**

None recommended.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 5, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 15 – Council’s by-law authority to impound or dispose of dogs that “attack”

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 193(1)(h)(iii) and Section 195 Dog bylaw – expand Council’s by-law authority to deal with dogs that either attack OR are fierce or dangerous. Currently peace officers may only impound a dog if it is proven to be fierce or dangerous. However dogs may not meet the burden of proof for “fierce” or “dangerous” but still attack other dogs or humans – for example, a dog that is generally calm but may be aggressive towards certain animals or in certain circumstances. The definition of “fierce” or “dangerous” is subjective from case to case and this change would allow Council the option to amend the Animal By-law to provide peace officers greater authority to deal with dogs that attack by removing the ambiguity and permitting officers to deal with any dogs that attack others.

Section(s) affected: Charter – 193(1)(h)(iii) and 195
MGA – 175(1)(h)(iii) and 177

Recommendation from Burchell MacDougall:

Recommendation for Charter: Do not amend

Recommendation for MGA: Do not amend

HRM Charter - Discussion and rationale for recommendation

We do not recommend that the amendment sought by HRM be made.

The amendment proposed would add the word “attack” to section 193(1)(h)(iii) and to section 195, so they would read as follows:

193 (1) Without limiting the generality of Section 188, the Council may make by-laws
... (h) authorizing the dog control officer to impound, sell, kill or otherwise dispose of dogs
... (iii) that attack or are fierce or dangerous,

195 At the trial of a charge laid against the owner of a dog that attacks, that is fierce or dangerous, that persistently disturbs the quiet of a neighbourhood by barking, howling or otherwise or that runs at large, contrary to a by-law, in addition to the penalty, the judge may order that the
HRM suggests that the definitions of “fierce” or “dangerous” are subjective from case to case, and that adding the word “attacks” to the Charter would add clarity and broaden HRM’s authority to deal with aggressive dogs.

We do not agree that the Charter needs to be amended as HRM has requested. Under s. 193(1)(e) of the Charter, Council has the authority to define “fierce and dangerous dogs” in its animal control by-law. If HRM wants to clarify that staff may impound or dispose of dogs that attack another animal or a human, it may do so by defining “fierce and dangerous dogs” in its by-law to include such dogs. By way of example, the Cape Breton Regional Municipality Dog By-Law contains the following definition:

“Fierce or Dangerous” means any individual dog:

- which inflicts bites or attacks a human being or domestic animal; or
- with a demonstrated propensity, tendency or disposition to attack, to cause injury to or otherwise endanger the safety of human beings or domestic animals; or
- which when either unmuzzled, unleashed, or unattended by its owner, or a person in whose care the dog was placed by its owner, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, any public grounds, or places or on private property; or
- owned, harboured or trained primarily or in part for the purposes of fighting; unless the circumstances described in the Part of this By-law titled “Provoked Attacks” are met. (emphasis added)

The model Dog By-Law produced by the Nova Scotia Association of Municipal Administrators contains a similar definition of “fierce or dangerous dog”.

Another problem with HRM’s proposed amendment is that it would add “attack” to two provisions of the Charter that deal with fierce or dangerous dogs, but would leave two other such provisions unamended. Section 193(1)(f) allows Council to make by-laws regulating the “keeping of fierce or dangerous dogs”, and s. 194 gives a peace officer the power to obtain a warrant to enter premises and seize a dog that is fierce of dangerous. It seems inconsistent to add the word “attack” in some sections that deal with fierce and dangerous dogs, but not others.

In our opinion, HRM can achieve its goal through amending its animal control by-law to include a specific and comprehensive definition for “fierce or dangerous dogs”, which will be more effective and clearer than simply adding the word “attack” to s. 193(1)(h)(iii) and s. 195 of the Charter.

**MGA - Discussion and rationale for recommendation**

We do not recommend the amendment to the MGA.

The above analysis applies equally to the MGA. The MGA’s provisions regarding dog by-laws and dog control are practically identical to the Charter’s.

**HRM Charter - Amendments**

None recommended.

**MGA - Amendments**

None recommended.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 5, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 16 – Allow Clerk to certify administrative orders and resolutions for use in court

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 206(1) Prima facie proof – this change would allow Council administrative orders and resolutions to be certified by the Clerk, in addition to the Clerk’s current power to certify bylaws. Currently the Clerk must either sign an affidavit and file it with the court or testify in court that Council passed an administrative order or resolution, because the power only allows him/her to certify bylaws. This is an administrative efficiency to eliminate the Clerk being called into court frequently.

Section(s) affected: Charter – 206
MGA – 188

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below
Recommendation for MGA: Amend as set out below

HRM Charter - Discussion and rationale for recommendation

We recommend that the amendment sought by HRM be made.

Section 206 of the Charter, and the equivalent section of the MGA (s. 188) currently states that a copy of a by-law that is certified by the Clerk can be admitted into evidence in any court as prima facie1 proof of the by-law and that it was duly passed by Council. This provision saves time and resources, since without s. 206 the only way to prove the content of a by-law and that it was properly passed would be to have the Clerk attend court and testify. A complete copy of s. 206 of the Charter (and of s. 188 of the MGA) is set out at this end of this Memo.

HRM’s proposal is that s. 206 should be expanded to allow the Clerk to certify copies of resolutions and administrative orders (policies) for use in court.

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1 Prima facie proof means that the copy of the by-law and its proper passage must be accepted as true unless there is proof otherwise.
We agree with this proposed amendment and with HRM’s rationale for it. Allowing the use of certified copies of resolutions and administrative orders (policies) in court, as well as by-laws, will reduce the need to have the Clerk attend court where a resolution or administrative order (policy) needs to be admitted into evidence. A similar method to prove provincial statutes, regulations, orders-in-council and other government notices is set out in the provincial Evidence Act (s. 3 to 18). The amendment will not create any prejudice or harm, since any party wishing to challenge either the accuracy of the copy of the resolution or administrative order/policy, or whether it was properly passed by Council, may still do so in court – they simply need to provide some evidence to back up their challenge.

**MGA - Discussion and rationale for recommendation**

We recommend the same amendment to the MGA. Section 188 of the MGA is almost identical to s. 206 of the Charter, and the same reasoning applies.

**HRM Charter - Amendments**

Amend s. 206 to apply to administrative orders/policies and resolutions of the Municipality, in addition to by-laws. We suggest wording along the lines of the following:

**Prima facie proof**

s. 206 (1) A copy of a by-law, Administrative Order or resolution made pursuant to this Act or another Act of the Legislature purporting to be certified by the Clerk, under the seal of the Municipality, to

(a) be a true copy of a by-law, Administrative Order or resolution passed by the Council;

(b) have received all required approvals,

must be received in evidence as prima facie proof of its passing, receipt of all required approvals, publication, being in force and the contents of it without further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the Clerk was forged.

(2) Printed documents, certified by the Clerk, purporting to be printed copies of any or all by-laws, Administrative Orders or resolutions passed by the Council must be admitted in evidence in all courts in the Province as prima facie proof of the by-laws, Administrative Orders or resolutions and of the due passing of them.

NOTE: This draft wording assumes that the amendments to the Charter will include using “Administrative Order” in place of “policy”, as discussed in our Memo on Amendment 2.

**MGA - Amendments**

Amend s. 188 to apply to policies and resolutions of a municipality, in addition to by-laws. We suggest wording along the lines of the following:

**Prima facie proof**

s. 188 (1) A copy of a by-law, policy or resolution made pursuant to this Act or another Act of the Legislature purporting to be certified by the clerk, under the seal of the municipality, to

(a) be a true copy of a by-law, policy or resolution passed by the council;

(b) have received all required approvals,
shall be received in evidence as *prima facie* proof of its passing, receipt of all required approvals, publication, being in force and the contents of it without further proof in any court, unless it is specially pleaded or alleged that the seal or the signature of the clerk was forged.

(2) Printed documents, certified by the clerk, purporting to be printed copies of any or all by-laws, policies or resolutions passed by the council shall be admitted in evidence in all courts in the Province as *prima facie* proof of the by-laws, policies or resolutions and of the due passing of them.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 5, 2016

RE: HRM Charter and MGA Review – Housekeeping amendments
Amendments requested by HRM in memo “HRM Charter Amendments – Policy Rationale”
Amendment 17 – Delete one of the penalty provisions (s. 369) for offences

HRM’s description in memo “HRM Charter Amendments – Policy Rationale”

Section 369 and 372 Offences - There is a discrepancy between sections 369 and 372 of the HRM Charter. Subsection 369(1) makes it an offence to violate a provision of the Charter, or an order, regulation or by-law done under the Charter. As well, the subsection makes it an offence to fail to comply with orders, regulations or by-laws done in accordance with the Charter and to obstruct or hinder any person from performing duties under the Act offences. Subsection 369(2) then goes onto say that, unless a by-law provides an offence, the penalty is $100 and not more than $10,000 and to a term of imprisonment of not more than two months. The difficulty is that section 372 goes on to say that where no penalty is specified in the Act, the fine is $100 to $5,000 and term of imprisonment of not more 90 days. However, section 369 just imposed a penalty with a maximum penalty of $10,000 (not $5,000) and to a term of imprisonment not to exceed two months (not 90 days). The solution is to remove section 372.

Section(s) affected: Charter – 372
MGA – 508

Recommendation from Burchell MacDougall:

Recommendation for Charter: Amend as set out below

Recommendation for MGA: Amend as set out below

HRM Charter - Discussion and rationale for recommendation

We recommend that the amendment sought by HRM be made.

The problems raised by HRM above are that the Charter contains two separate provisions, s. 369 and s. 372, both of which set out penalties for violations of the Charter, and that the penalties specified are not consistent. These sections are set out at the end of this Memo.

Section 369(1) creates offences for violating the Charter and for violating Municipal by-laws. Section 369(2) prescribes a penalty for a person who commits an offence, unless another penalty is provided for in a by-law. The penalty prescribed in s. 369(2) is:
Section 372 creates an offence for violating a provision of the Charter, and states that where no penalty is specified for the violation, there is a prescribed penalty of:

(a) Minimum fine: $100
(b) Maximum fine: $5,000
(c) Maximum prison term if default in payment: 90 days

We are unable to determine a need or use for the penalty provisions in both s. 369 and s. 372. It looks as though s. 372 would never have any application, since it only applies where there is no penalty specified for the violation of the Charter, and s. 369(2) does specify a penalty. At any rate, aside from the fact that the penalties are not consistent, it is confusing and unnecessary to have two sections covering the same thing.

Our (admittedly quick) research indicates that s. 372 is not used by the courts or by municipalities in by-law prosecutions. We turned up a total of 10 cases where s. 369 of the Charter or the equivalent section of the MGA (s. 505) was referred to and used by the court in by-law prosecutions since the MGA came into force in 1998. In contrast, there were no cases that referred to s. 372 of the Charter (or to the MGA equivalent, s. 508).

In our opinion, s. 372 should be removed from the Charter.

**MGA - Discussion and rationale for recommendation**

We recommend the same amendment to the MGA. Sections 505 and 508 of the MGA are almost identical to s. 369 and 372 of the Charter, and the same reasoning applies.

**HRM Charter - Amendments**

Delete s. 372.

**MGA – Amendments**

Delete s. 508.

**Relevant provisions**

Section 369 and s. 372 of the Charter are set out below. Section 505 of the MGA is identical to s. 369, and s. 508 of the MGA is identical to s. 372.

**Offence and penalty**

369 (1) A person who

(a) violates a provision of this Act or of an order, regulation or by-law in force in accordance with this Act;

(b) fails to do anything required by an order, regulation or by-law in force in accordance with this Act;

(c) permits anything to be done in violation of this Act or of an order, regulation or by-law in force in accordance with this Act; or
(d) obstructs or hinders any person in the performance of their duties under this Act or under any order, regulation or by-law in force in accordance with this Act,

is guilty of an offence.

(2) Unless otherwise provided in a by-law, a person who commits an offence is liable, upon summary conviction, to a penalty of not less than one hundred dollars and not more than ten thousand dollars and in default of payment, to imprisonment for a term of not more than two months. (emphasis added)

(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

(4) In addition to a fine imposed for contravening a provision of this Act, a regulation or a by-law of the Municipality made pursuant to this Act, a judge may order the person to comply with the provision, order, regulation or bylaw under which the person was convicted, within the time specified in the order.

**Offence and penalty**

372 Where no penalty is specified for the violation of this Act, a person who contravenes the provision is guilty of an offence and is liable, on summary conviction, to a penalty of not less than one hundred dollars and not more than five thousand dollars and in default of payment, to imprisonment for a period of not more than ninety days. (emphasis added)
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: May 27, 2016

RE: MGA Review – Housekeeping amendments
Issue 47

Issue information from Steering Committee

Tracking #: 47

Working Group: Governance Efficiencies

Issue commented on: Clarify definition of capital budget

Amendments proposed by commenter: Better definition of “capital budget”. Municipalities are currently submitting CIPs in accordance with Gas tax Agreement.

Comments from SC: None provided

Section(s) affected: Part IV

Recommendation from Burchell MacDougall: Do not amend.

Discussion and rationale for recommendation

There is only one appearance of the phrase “capital budget” in the MGA, located in section 87 as follows:

\[\text{Capital budget filing} \]

87 The Minister shall not establish borrowing limits or approve a borrowing resolution for a municipality, village or service commission in a fiscal year unless the municipality, village or service commission, as the case may be, has filed with the Minister its capital budget for that fiscal year in the form prescribed by the Minister.

As noted in s. 87, there is a prescribed form setting out the information that must be contained in the capital budget. As a result, in our opinion there does not need to be any further clarification or definition of “capital budget” in the MGA.

Amendments: None.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: May 27, 2016

RE: MGA Review – Housekeeping amendments
Issue 67

Issue information from Steering Committee

Tracking #: 67

Working Group: Governance Efficiencies

Issue commented on: The act should spell out in layman's language the procedures, rules etc. that govern the municipalities. All rules that apply to one particular item should be grouped together and not spread out throughout the document unless there are links to the additional information if it is located elsewhere. Ease of use is a necessity.

Amendments proposed by commenter: None provided

Comments from SC: None provided

Section(s) affected: Presumably the entirety of the MGA

Recommendation from Burchell MacDougall: Do not amend at present. Consider amendments to improve clarity after the Working Groups and other stakeholders have reviewed the substantive issues related to all parts of the MGA.

Discussion and rationale for recommendation

We do not recommend that the MGA be “overhauled” as proposed at present. We should wait until the working groups and other stakeholders have considered the substantive issues in the MGA before deciding whether and how to significantly rewrite the MGA.

We agree that many of the sections could be subject to review and revision as proposed by the commenter. However, we do not recommend any amendments at this stage of the MGA review for the following reasons:

1. There are many substantive issues being considered with respect to the MGA. There will likely be several significant amendments to the MGA coming out of the work of the Working Groups. We think it will be more efficient and effective to wait for the amendments from the Working Groups before deciding whether to embark on a substantial rewrite.
2. Related to the above, at least parts of a rewrite would likely involve substantive wording changes and would go beyond “housekeeping”.

3. Municipalities are familiar with the current structure and wording of the MGA, and there are Court decisions considering the existing provisions. We will have to be conscious of this and ensure that any efforts to clarify the MGA as proposed by the commenter do not have the opposite effect.

4. The availability of time and resources will also be a factor in determining the extent to which the MGA can be “overhauled”.

Amendments: None recommended at present.
MEMORANDUM

TO: Jeff Shute
Municipal Affairs

FROM: Charles Thompson

DATE: August 12, 2016

RE: MGA Review – Housekeeping amendments
Issue 68 - Revised

**Issue information from Steering Committee**

**Tracking #:** 68

**Working Group:** Governance Efficiencies

**Issue commented on:**

- a) 17(3) term Ordinary Citizen needs to be defined
- b) 17(4) seat vacated if absent from regular meeting of Council. Needs to be defined.
- c) Clarification on video-presence should be added to act
- d) Should a Councillor who represents a ward not be required to live in that ward?

**Amendments proposed by commenter:** None provided.

**Comments from SC:** None provided

**Section(s) affected:** 17

**Recommendation from Burchell MacDougall:**

- Issue (a) - Amend.
- Issue (b) - Do not amend.
- Issue (c) – Do not amend at present time - not housekeeping in nature and is to be reviewed in more detail by committee.
- Issue (d) - Do not amend at present time - not housekeeping in nature and is to be reviewed in more detail by committee.

**Discussion and rationale for recommendation**

*a) s. 17(3) issue – definition of “Ordinary Citizen” [“ordinarily resident”]*

Section 17(3) of the MGA reads as follows:

**Mayor or councillor resignation**

(3) A mayor or councillor who ceases to be ordinarily resident in the municipality ceases to be qualified to serve as mayor or as councillor.
There is no definition for the term “ordinarily resident” in the MGA. However, the Municipal Elections Act contains extensive guidelines for determining what constitutes “ordinarily resident”. Sections 16 and 17 of the Municipal Elections Act are at the end of this Memo.

**Amendments:** It would be helpful to incorporate the provisions of the Municipal Elections Act regarding “ordinarily resident” into the MGA. We propose an amendment by adding a new definition to section 3, Interpretation, along the following lines:

“ordinarily resident” has the same meaning as in the Municipal Elections Act;

We have not provided numbering for the inclusion of this definition at this time, as other definitions may change over the course of this project.

**b) s. 17(4) issue – define**

Section 17(4) reads:

**Mayor or councillor resignation**
(4) A mayor or councillor who, without leave of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor.

We are of the opinion that this section is clear and as such, no amendment is required.

**Amendments:** None recommended.

**c) Clarification on video conferencing**

We agree with the commenter that the MGA should be clarified as to whether council meetings may be held by video conference, and/or a member of council can attend a meeting via video conference. If video conferencing is to be permitted, guidance on how and when it may be used will be needed, either in the MGA itself or through other material.

However, an amendment of this nature is not a housekeeping matter. We understand it is being further reviewed in detail through the MGA review process.

**Amendments:** None recommended at this time – not a housekeeping amendment.

**d) Should a councillor who represents a ward not be required to live in that ward?**

Section 17(3) of the Act requires a councillor to be “ordinarily resident in the municipality”, but at present a councilor is not required to reside in the ward (or polling district) that they represent.

Any amendments to this subsection would not be housekeeping in nature. We understand this issue is being further reviewed.

**Amendments:** None recommended at this time – not a housekeeping amendment.
Applicable legislation

Sections 16 and 17 of the *Municipal Elections Act*

Ordinarily resident

16 (1) A person is ordinarily resident in the place where the person lives and to which, whenever absent, the person intends to return.

(2) A person may be ordinarily resident in only one place at a time.

(3) A person does not cease to be ordinarily resident in a place by leaving the place for a temporary purpose only.

(4) Where a person usually sleeps in one place and has meals or is employed in another place, the person is ordinarily resident in the place where the person sleeps.

(5) Where a person has temporary residential quarters, those quarters are considered to be the place in which the person is ordinarily resident only if the person has no other place the person considers as that person's ordinary place of residence.

(6) Where a person is being provided with food, lodging or other social services by a shelter, hostel or similar institution, the person is ordinarily resident in the shelter, hostel or institution.

(7) Where the rules set out in subsections (1) to (6) are not sufficient to determine the place where a person is ordinarily resident, the place where the person is ordinarily resident must be determined by the appropriate election officer with reference to all the facts of the case.

(8) A person who, on the first advance polling day,
   (a) is a student;
   (b) is ordinarily resident in a polling district or polling division other than that of the person's family home; and
   (c) is qualified as an elector,
   may elect to be included on the list of electors in one or the other of the polling divisions, but not both, and is deemed to be ordinarily resident in that polling division.

(9) A person is not ordinarily resident in a residence that is generally occupied by the person only between the beginning of May and the end of October but that is generally unoccupied between the beginning of November and the end of April unless the person does not have another residence in the Province where the person resides between the beginning of November and the end of April. 2011, c. 68, s. 4.

Eligibility as councillor

17 (1) Except as otherwise provided in this Act, every person shall be qualified to be elected as councillor who
   (a) is a Canadian citizen of the full age of eighteen years at the time of nomination;
   (b) has been ordinarily resident in the municipality or in an area annexed to the municipality for a period of six months preceding nomination day, and continues to so reside;
   (c) has obtained a certificate in the prescribed form from the clerk, treasurer, collector or other official having knowledge of the facts that, as of nomination day, the charges that are liens on the person's property and the taxes due to the municipality by the person have been fully paid or all instalments or interim payments that are due as of nomination day have been paid; and
   (d) is not disqualified under this Act.

(2) A councillor who is otherwise qualified shall be eligible for re-election.
MEMORANDUM

TO: Jeff Shute  
   Municipal Affairs

FROM: Charles Thompson

DATE: May 27, 2016

RE: MGA Review – Housekeeping amendments  
    Issue 70

Issue information from Steering Committee

Tracking #: 70

Working Group: Public Safety

Issue commented on:
Under the current act the wording says the department must come as a “body corporate” to be registered. What if the incorporation does not exist? What if the department is not “registered”? In cases of injury or death a firefighter may be ineligible for WCB or LODD.

Amendments proposed by commenter:
Amend wording to require all fire departments to be a body corporate.

Comments from SC:
This will ensure that injured firefighters are eligible for WCB or LODD compensation.

Section(s) affected: 294 (1)

Recommendation from Burchell MacDougall: Do not amend

Discussion and rationale for recommendation

Section 294(1) of the MGA states:

294(1) A body corporate may apply to a municipality for registration as a fire department.

Section 3(af) defines “fire department”:

(af) “fire department” means an incorporated body that provides fire services and that may, at its option, provide one or more other emergency services, and includes a fire or emergency services department of a municipality, village, fire protection district or other body corporate;

The combination of s. 3(af) and s. 294(1) means that only organizations that are corporate bodies (under the Societies Act, or pursuant to other legislation) can be considered fire departments and can be registered as such with a municipality.

Amendments: None recommended.
MEMORANDUM

TO: Jeff Shute
   Municipal Affairs

FROM: Charles Thompson

DATE: August 12, 2016

RE: MGA Review – Housekeeping amendments
   Repeal of a bylaw

Issue information from Steering Committee

   Tracking #:

   Working Group:

   Issue commented on: The MGA does not outline a process to repeal a By-law. In practice, municipalities generally follow the same process used to enact a By-law. Is clarification needed in the MGA to describe how to repeal a By-law?

   Amendments proposed by commenter: Section 209 outlines the process to repeal a planning document as an example. Should similar wording be added for By-laws? Section 168 outlines the process for adopting a By-law. Should clarity be provided in this section on how to repeal? Perhaps a similar clause to 209.

   Comments from SC:

   Section(s) affected: 168

Recommendation from Burchell MacDougall: Amend as set out below.

Discussion and rationale for recommendation

In our opinion, strictly speaking it is not necessary to do an amendment to make it clear that a municipality can repeal a bylaw, and that it has to follow the same process as passing a new by-law. Legally, it is recognized that the power to make by-laws includes the power to amend or repeal them, and that the same process has to be used.

Despite the above, an amendment would help clarify the situation. We note that the Alberta Municipal Government Act contains a provision similar to the amendment we are suggesting.

Proposed Amendment

Add an amendment to state that the process and requirements to repeal or amend a by-law is the same as the process required to pass a by-law. We suggest an amendment along the following lines:
Amendment and repeal
168A (1) The power to make a by-law made pursuant to this Act or another enactment includes a power to amend or repeal the by-law.

(2) The amendment or repeal must be made in the same way as the original by-law and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original by-law, unless this Act or another enactment provides otherwise.