

1. **CALL TO ORDER**

1.1 O' Canada

Warden Al Gillis called the April 19, 2017 Council session of the Municipality of the County of Cumberland to Order at 6:50 p.m. The meeting was held in Council Chambers of the E.D. Fullerton Municipal Building. O'Canada was sung.

1.2 Roll Call

Municipal Clerk/Records Manager Brenda Moore, called the roll with the following Councillors present: Councillor Porter, Councillor Chase, Warden Gillis, Councillor Welton, Councillor Palmer, Councillor Gilbert, Councillor McLellan, Deputy Warden Fletcher, Councillor Williams, Councillor Jackson, and Councillor Rafuse

Absent: Councillor van Vulpen and Councillor Rector.

Staff present: Rennie Bugley, CAO; Steve Ferguson, Director of Community Development; Andrew MacDonald, Director of Finance; Justin Waugh-Cress, Director of Engineering and Operations; Brenda Moore, Municipal Clerk/Records Manager who recorded the meeting.

2. **ADMINISTRATIVE AND PROCEDURAL ISSUES**

2.1 The agenda was approved with the following deletions and additions:

Deletions: 5.4 Deed Transfer Tax

Addition(s): 6.12 Joggins Fossil Centre Heat Pump Repair

2.2 Approval of Minutes of April 5, 2017 council meeting.

IT WAS MOVED by Councillor Chase seconded by Deputy Warden Fletcher to approve the minutes of the April 5, 2017 Council meeting.

MOTION CARRIED #17-091

2.3 Business Arising from the March 15, 2017 council meeting

The Business Arising and the On Going Business Arising were reviewed and Council was brought up to date on the status of the lists.

2.4 Delegations, Presentations, Petitions, Proclamations

i) Dale Mills – Pugwash Water

Mr. Mills gave a power point presentation asking Council to rescind its motion of February 1, 2017 to extend the domestic water to the Pugwash Point Road and Gulf Shore Road. There was a brief question and answer period following the presentation. Warden Gillis thanked Mr. Mills for the presentation and asked for a copy of the questions he brought forward in his presentation. Mr. Mills indicated that Marilyn Sextant would be the contact person for the group. Mr. Mills left signed petitions with the Municipal Clerk

ii) Fire Marquis Representative

Mr. Chris Carrier of Fire Marque made a presentation to Council explaining how his company will help fire department recover expenses from insurance companies. A brief question and answer period followed the presentation. Warden Gillis thanked Mr. Carrier for the presentation.

2.5 Public Hearings

i) Dangerous and Unsightly Premise

72 Richard Road, River Hebert, AAN 03581845, PID 25060062

Warden Gillis called the Public Hearing to Order at 7:23 p.m.

The Director of Engineering and Operations provided a verbal report to go along with the written report and photo's included in the Council package.

Warden Gillis asked for questions of the property owner or representatives of the property owner, Council and the gallery. Hearing none, Warden Gillis closed the hearing at 7:24 p.m.

IT WAS MOVED by by Councillor McLellan, seconded by Deputy Warden Fletcher that Council Order demolition of the trailer as well as the removal of all debris from the property at 72 Richard Road, River Hebert, AAN 03581845, PID 25060062 to an approved facility by April 28, 2017.

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- ii) Dangerous and Unightly Premise –
Warden Gillis called the Public Hearing to Order at 7:25 p.m.

The Director of Engineering and Operations provided a verbal report to accompany the written report and photo's included in the Council package.

Warden Gillis asked for questions of the property owner or representatives of the property owner, and /or Council. Hearing none, Warden Gillis closed the hearing at 7:26 p.m.

IT WAS MOVED by Councillor Fletcher seconded by Councillor Welton that Council Order demolition of the trailer as well as the removal of all debris from the property 194 Jackson Point Road, Tidnish AAN 04996208, PID 25104340 to an approved facility by June 30, 2017.

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3. STRATEGIC PRIORITIES ISSUES

3.1 Climate Change Retreat

CAO Bugley provided some background information for Council on the proposed plan of the Center for Local Prosperity to partner with Thinkers Lodge for a Retreat for Empowering our Climate Future for Rural Communities

4. MAJOR ORGANIZATIONAL ISSUES

4.1 Investment in Equipment

Councillor Rafuse proposed the Municipality make an investment in equipment and personnel to do some of our own construction work. He feels this would create jobs and save money. Council requested the CAO and the Directors discuss this proposal.

4.2 Financial Condition Indicators

At the April 5, 2017 Council meeting, an update on the FCI's was provided. The FCI's documents were included in the materials for this meeting. Andrew MacDonald, Director of Finance reviewed this information with Council.

4.3 2017/2018 Budget Process/Meetings

Council had discussion on budget process and meeting dates. The first meeting was set for Thursday, April 27, 2017 at 9:00 a.m.-3:00 p.m.

5. ORGANIZATIONAL POLICY/BY-LAW ISSUES

5.1 Fees Policy

This draft Policy was included in the meeting material.

IT WAS MOVED Deputy Warden Fletcher seconded by Councillor Palmer to adopt the Fees Policy.

MUNICIPALITY OF CUMBERLAND POLICY 17-XX

Fees Policy

1. This Policy is entitled "Fees Policy".
2. This Policy applies except to the extent of any conflict with applicable provincial legislation, and, where the fee amounts in this Policy differ from those set out in a By-Law, Policy or Resolution of the Municipality of the County of Cumberland in effect on the effective date of this Policy, the fee amounts set out in this Policy shall amend those previously in effect.
3. The purpose of this Policy is to provide a convenient place to set out and amend the fees the Municipality charges for certain applications, approvals, permits, licenses and services.
4. The fees to be paid to the Municipality for each of the following applications, approvals, permits, licenses, certificates, or services are set in, or amended to, the respective amounts shown in the set out herein:

Fees in Relation to Subdivision

Please note: In addition to the fees set out below, the cost of registration of plans, notices, deeds and/or instruments of subdivision must be paid to the Municipality in advance, and will be refunded if not expended.

Preliminary Subdivision Application	Fees
Processing Fee for Tentative, Final, and Repeal of Subdivision Applications	\$75.00, payable at the time the application is filed - non refundable
Additional Processing fee where a proposed subdivision includes a new, varied or extended public or private road.	\$200.00, payable at the time the application is filed - non refundable
Plus the Open Space/Recreational Capital Fund Fee, to be used in the manner described in section 273(5) of the Municipal Government Act	\$100.00 per lot, payable prior to approval - refundable if lot(s) not approved

Fees in Relation to Land Use Planning and Development

	Fees
Zoning Confirmation letter	\$25.00
Development Permit Processing Fee *	\$25.00
Variance Application Processing Fee *	\$100.00
Development Agreements and Applications to Amend the Municipal Planning Strategy and/or the Land Use By-Law, including rezoning: Processing Fee * -plus- Total Cost of Advertising and Notices	\$500.00 ** \$500.00 advertising deposit payable at the time application is filed ***
Copies of the Municipal Planning Strategy and Land Use By-Law, including letter sized black and white maps.	\$25.00 per copy
Full size colour copies of existing Municipal Planning Strategy or Land Use By-Law maps.	\$10.00 per map
<p>* Processing fees are non-refundable. ** This processing fee will be waived for registered charitable or non-profit organizations if the Agreement or Amendment is for the benefit of the organization. *** When the actual cost of advertising or providing notice is known, the difference between the deposit and the actual cost will be refunded or billed to the Applicant.</p>	

Fees in relation to, Building, and Demolition Permits

Demolition	\$10.00 total fee
Residential	
Minimum Fee \$10.00	
New Dwelling	\$0.06 per square foot
New Decks	\$0.02 per square foot
New Sheds	\$0.02 per square foot
New Garages	\$0.02 per square foot
Renovations	\$1.00 per \$1,000.00 of Value
Commercial	
Minimum Fee \$10.00	
New Construction	\$2.00 per \$1,000.00 of Value (.2% of Value)
Renovations	\$2.00 per \$1,000.00 of Value (.2% of Value)

Municipal Sewers

	Fee
Sewer Lateral Installation Fee, includes all costs for materials, labour, equipment and permits to install a sewer lateral from the Municipal sewer main to the boundary of the road right of way, payable in advance:	
a) 4" diameter lateral	\$2,000.00
b) 6" diameter lateral	\$2,500.00
c) 8" diameter lateral	\$5,000.00
Sewer Lateral Inspection Fee, for inspections of sewer lateral installations within the public road right of way when the lateral is not being installed by the Municipality, payable in advance:	
a) 6" or smaller diameter lateral	\$100.00
b) Larger than 6" diameter lateral	\$250.00
Sewer lateral Re-Inspection Fee, if, on a scheduled inspection an installation is found to be incomplete, or if for any other reason a re-inspection is required.	\$100.00 payable in advance

Requests for Information

Item	Fee
Personal Information of the applicant	No Fee
Routine Access Records	
Staff Time	First 2 hours No Fee
	Every hour over and above 2 hours rate*
-plus- Copying Fees	
One copy of a single document	No Fee

Copies of multiple documents		\$ 0.20 each
FOIPOP Requests		
Staff Time	First 2 hours	No Fee
	Every hour over and above 2 hours	rate*
-plus- Copying Fees		
	One Copy of a single document	No Fee
	Copies of multiple documents	\$ 0.20 each
* Rate \$15.00 / half hour rounded down to the nearest half hour		

Tax Certificate

Tax Certificate	\$20.00 per assessment account number
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5. All former Fees Policies of the Municipality are hereby repealed.

MOTION CARRIED #17-094

5.2 Revenue Collections Policy

The former Towns of Springhill and Parrsboro each had their own collection policies. Council gave notice at the April 5, 2017 of intent to consider the Revenue Collections Policy for adoption at this meeting. The draft policy was included in the meeting material.

IT WAS MOVED by Councillor Jackson seconded by Councillor Chase to adopt the Revenue Collections Policy.

**Municipality of Cumberland Policy 17-XX
Revenue Collections Policy**

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1. This Policy may be cited as Revenue Collections Policy.
 2. The purpose of this policy is to provide and articulate equitable, supportable, and legal guidelines to staff and the public which are designed to ensure that all taxpayers are well served.
 3. In this Policy:
 - (a) "Non-lienable charges" means charges that under law cannot be affixed to a property and, therefore, cannot form an encumbrance against the value of that property. One example is Business Occupancy Taxes.
 - (b) "Lienable charges" means charges that are or can be attached to ad encumber the title to a property and can result in the property being sold so the Municipality can collect the money it is owed. These charges can arise pursuant to legislation (e.g. the Municipal Government Act) or a municipal by-law (e.g. Public Sewer By-Law).
 4. Non-lienable charges other than Business Occupancy shall be collected as follows:
 - (a) Monthly reminders will be sent to all overdue accounts less than 90 days in arrears;
 - (b) It shall be the responsibility of the Revenue Officer to take the following steps regarding accounts over 90 days in arrears:
 - i demand a payment arrangement;
 - ii where applicable, ensure that no further business is conducted on a billed basis;
 - iii determine which of the following would be most appropriate: Small Claims Court Action, Supreme Court Action, or collection Agency and advise the debtor accordingly; and
 - iv if legal action is chosen, follow up to ensure all steps up to and including an order or warrant are completed in a timely fashion.
 5. Lienable Charges shall be as follows:
 - (a) Past Due Reminder Notices will be sent to all accounts with amounts \$10 and greater that are in excess of one month overdue. Past Due Reminder Notices will be sent out quarterly in the first week of the months of July, October, January and April.
 - (b) Subject to provision (i) of this section, a property one year in arrears shall be placed on the tax sale list (see 134(1) of the MGA).
 - (c) Advance Notice of Tax Sale Proceedings will be sent to each assessed owner of property on the tax sale list as per Section 138 of the MGA, advising that the property is liable to be sold for the arrears, with interest and expenses, and that tax sale procedures may be commenced and costs expended, which will also be liened against the property, unless the arrears are paid or a satisfactory written payment arrangement is struck within 14 days of the date of the preliminary notice.
 - (d) 14 days after the issuance of the Advance Notice, if the taxes have not been paid or arrangements made, staff will arrange for a title search and, if deemed necessary, undertake a survey of the property.
 - (e) Upon completion of the title search and possible survey, Notice of Intention to Sell will then be sent by registered mail to all registered owners, their spouses (if known) any mortgage company and any person with a lienholder interest in the property.
 - (f) If the registered Notice is returned unopened to the Municipal Office, Notice of Intention to Sell will be posted in a conspicuous place on the property.
 - (g) All properties with taxes, or charges which are in arrears for the preceding three fiscal years SHALL be put up for tax sale (see 134 (2) of the MGA) subject to provisions (h) and (i)of this section.
 - (h) Tax Sale proceedings may be deferred by Council for a property for up to two years (section 134 (3) of the MGA). Council will only defer proceedings under what is deemed to be, by Council, an exceptional circumstance and only after the review of a written request of the property owner for the deferral and a

- recommendation report prepared by the Treasurer. The decision to defer proceedings under this provision of the policy shall further require that an acceptable payment agreement be executed in writing between the Municipality and the property owner that brings the account into current status within the same two year timeframe. Compliance with the payment agreement will be strictly enforced by staff. There will be allowance for two payments to be deferred either by request or by default. On the third instance of non-payment as per the agreement, notice will be given and the tax sale process will recommence with no recourse other than full payment.
- (i) Pursuant to section 134(4) of the MGA the Municipality may decide not to put a property up for tax sale where:
 - (a) the Municipality Solicitor advises there is high risk of litigation;
 - (b) the amount is below the collection limit established by Council. The Municipality's collection limit is hereby set at \$100.00; or
 - (c) the property has been put up for tax sale three times in the past with no satisfactory offer, in which case Staff will then proceed, without further notice to the owner and encumbrances, to advertise the property and sell it at auction. A minimum acceptable bid may be set by Council to reflect the Municipality's expenses and the estimated value of the property; or
 - (d) if the taxpayer is compliant with a payment arrangement.
 6. Once a property has been advertised for tax sale, the process can only be stopped by full payment of all arrears in excess of one year and all tax sale expenses. Payments will be received up to the beginning of the tax sale auction.
 7. Any surplus funds from the tax sale may be applied to reduce any non-liable charges owed by the owner of the land to the Municipality. These outstanding amounts do not need to have a direct relationship to the property sold. The withdrawal of any surplus cannot be completed until after the redemption period (within six months after the sale date) where applicable. Properties are not redeemable if there are taxes owing that are greater than six years in arrears (see provision 152 of the MGA).
 8. A successful bidder shall pay at the time of the tax sale, the Tax Deed Fee and the fee for the Certificate of Sale, in addition to the amount of their bid.
 9. Business Occupancy Taxes shall be collected as follows:
 - (a) The collection process for Business Occupancy accounts shall commence when the taxes are 90 days overdue.
 - (b) The account owner shall be sent a reminder indicating they have 15 days to settle.
 - (c) If there is no response a collection letter explaining further steps that will be taken will be sent by regular mail.
 - (d) If the collection letter does not result in full payment or an arrangement for payment, the Treasurer shall determine whether to take legal action or employ a collection agency, and shall take all necessary steps to ensure the timely completion of that action or process.
 - (e) Payments made by a person to any associated real property accounts may be transferred to relieve related outstanding business occupancy accounts. Lienholders on the associated real property accounts may be notified of the overdue business occupancy amounts. See section 131 of the MGA.
 - (f) If it appears the person owing taxes to the Municipality is about to leave the Municipality the Warrant process set out in sections 120 to 125 of the MGA shall be followed.
 10. Other Collection Authorizations
 - (a) Principal or interest for less than \$10 can be written off for accounts in arrears at staff's discretion.
 - (b) Interest charges of less than \$100 may be relieved by staff when it is determined that the account has been in dispute and the taxpayer is not at fault.
 - (c) Interest charges of less than \$100 may be relieved by staff if it is determined that insufficient support for the billing or insufficient follow up by staff has resulted in undue interest charges.
 - (d) Where staff determine that both the taxpayer and staff may have been jointly responsible for delays in billing, or in providing appropriate details to support or refute the billing or for lack of timely follow up, staff may grant partial interest relief on an account up to \$100.
 - (e) No adjustment to billings can be made by any staff members except as outlined above, , unless where there was an error in the original billing and corresponding back up is provided by the Director of Finance.
 - (f) No account will be sent to write off unless all efforts have been exhausted in its collection and will only be so sent after recommendation of the Municipal Treasurer (provision 38 of the MGA).
 - (g) Only Council can approve final write off of any revenue accounts. Such write off reports will be provided not less than once per year.
 - (h) After an assessment appeal is determined and any appeal from that decision is decided, any taxes that were overpaid shall be refunded to the applicant, together with interest at a rate equal to the rate actually earned by the Municipality of the County of Cumberland on its short term investments. The interest rate shall be determined and the interest calculated monthly but shall not be compounded (provision 114(2) of the MGA).
 11. Upon adoption of this Revenue Collection Policy the Tax Collection Policy of the former Town of Springhill and the Tax Collection Policy of the former Town of Parrsboro are hereby repealed.

MOTION CARRIED #17-095

- 5.3 Procurement Policy and Fire Service Purchasing Policy Repeal Policy
Council gave notice at the April 5, 2017 of intent to consider these policies for adoption at today's meeting. The draft policies were included in the meeting material.

IT WAS MOVED by Deputy Warden Fletcher seconded by Councillor Williams to adopt the Procurement Policy.

Municipality of Cumberland Policy 17-xx
Procurement Policy

Title

1. This Policy is entitled the "Procurement Policy".

PART I – INTRODUCTORY

Interpretation

2. In this Policy:
- (1) "alternative procurement practice" means the purchase of goods or services without a public tender or other competitive process, in the circumstances described at section 19 of this Policy;
 - (2) "best value" means evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing and the capacity of the supplier to meet other criteria as stated in tender documents;
 - (3) "CAO" means the Chief Administrative Officer of the Municipality of the County of Cumberland or his or her designate;
 - (4) "environmental considerations" means factors associated with the purchase, manufacture, operation or disposal of a product or asset that affect the environment, such as the degree to which the product or asset uses recycled materials, is energy efficient, or produces or reduces greenhouse gas emissions;
 - (5) "life cycle cost" means the total costs associated with a product or asset over its life span, including the cost of maintenance, repair, operation and disposal;
 - (6) "local business" means businesses whose main office or operations are physically located within the boundaries of the County of Cumberland;
 - (7) "Municipality" means the Municipality of the County of Cumberland;
 - (8) "public tender" means publicly advertising the Municipality's intended procurement of certain goods or services and inviting responses from interested suppliers. Public tenders include traditional tenders, requests for proposals, two phase bids and requests for qualifications and are described further in sections 14 to 18 of this Policy;
 - (9) "request for proposals" means a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Municipality. Requests for proposals are described at section 16 of this Policy;
 - (10) "request for quotations" means informally obtaining price quotations from a number of different suppliers. Requests for quotations are described at section 13 of this Policy;
 - (11) "social considerations" means factors associated with the purchase or manufacture of a product or asset that relate to the rights or interests of the workers involved, such as working conditions, fair wages, and compliance with human rights legislation and conventions;
 - (12) "standing offer" means a source of supply available to the Municipality either through a standing price agreement with a supplier or as a member of a larger group of purchasers. Standing offers are described at section 12 of this Policy;
 - (13) "traditional tender" means a formal invitation to suppliers to submit a bid to supply specified goods or services. Traditional tenders are described at section 15 of this Policy;
 - (14) "two phase bid" means a two stage process in which suppliers submit proposals for evaluation, and separately submit prices. Two phase bids are described at section 17 of this Policy.
 - (15) "request for qualification" means a formal invitation to suppliers of goods, services and construction and shall be used for the purpose of selecting qualified bidders if the nature of the work or services to be performed requires ascertainable minimum standards.

Application of this Policy

3. This Policy applies to the procurement by the Municipality of all goods and services, including construction and facilities, by purchase or lease, but does not apply to procurements:
- (1) by the Municipality from organizations owned or controlled by the Municipality;
 - (2) where a construction project is managed by a third party on behalf of the Municipality, in which case the procurement for the project must be in accordance with the contract between the Municipality and the third party, and in accordance with the principles identified in section 4.
4. This Policy also applies to registered Volunteer Fire Departments within the Municipality and non-profit organizations that receive Municipal Capital Grants.

Procurement Policy principles

5. All procurement carried out by the Municipality must be carried out with a view to:
 - (1) ensuring an equitable, open and transparent process for the acquisition of goods and services by the Municipality;
 - (2) avoiding dishonesty, corruption or favoritism in the procurement of goods and services;
 - (3) encouraging competitive bidding wherever possible and, in any event, minimizing the Municipality's cost of acquiring goods and services while obtaining best value;
 - (4) utilizing suppliers who can be expected to provide satisfactory performance
 - (5) taking into account environmental considerations in all procurement decisions and selecting environmentally beneficial goods and services where practical;
 - (6) complying with applicable regional, national, and international trade agreements, including the Agreement on Internal Trade and the Atlantic Procurement Agreement;
 - (7) complying with the *Public Procurement Act*, S.N.S. 2011, c. 12 and Regulations made pursuant to the *Public Procurement Act*.
6. Pursuant to s. 15(1) of the *Public Procurement Act*, all employees involved in procurement on behalf of the Municipality must:
 - (1) ensure their procurement activities are conducted according to this Policy, provincial and federal legislation, trade agreements and ethical business practices;
 - (2) encourage and support collaborative procurement amongst other municipalities and public sector entities such as hospitals and school boards;
 - (3) follow leading procurement practices;
 - (4) in good faith, conduct business with current and prospective suppliers and be fair in all business dealings;
 - (5) strive to obtain the best value for each expenditure;
 - (6) require suppliers provide accurate representations of goods, services and construction;
 - (7) encourage suppliers to consider integrating environmental, economic and social considerations in their product or service offerings;
 - (8) encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises; and
 - (9) request removal from a procurement process when a personal conflict of interest is perceived.

PART II – NORMAL PROCUREMENT PRACTICES

7. In addition to adhering to the principles in sections 4 and 5, normal purchasing practices must be as described below in sections 7 to 10.
8. For goods and services having a value of less than \$3,000:
 - (1) The procurement decision must be made by the applicable Director OR Supervisor or by an employee designated by one of those persons.
 - (2) Goods and services must be procured under a standing offer if one exists for the goods or **services required, and if doing so will provide best value.**
 - (3) If the goods or services cannot be procured under subsection (2), they may be purchased from any supplier, unless municipal staff have reason to believe that:
 - (a) purchasing the goods or services from that supplier would not provide best value; or
 - (b) acquiring the goods and services from that supplier would otherwise not conform with the procurement principles in section 4.
9. For goods and services having a value between \$3,000 and \$15,000:
 - (1) The procurement decision must be made by the applicable Director.
 - (2) Goods and services must be procured under a standing offer if one exists for the goods or services required, and if doing so will provide best value.
 - (3) If the goods or services cannot be procured under subsection (2), the goods or services must be procured by a request for quotations.
10. For goods and services having a value between \$15,000 and \$30,000:
 - (1) The procurement decision must be made by the CAO.
 - (2) Goods and services must be procured under a standing offer if one exists for the goods or services required, and if doing so will provide best value.
 - (3) If the goods or services cannot be procured under subsection (2), the CAO must decide whether the goods or services must be procured by a request for quotations or by public tender.
 - (4) If the goods or services are procured by a request for quotations, in addition to any other requirements for the request for quotations process, the following requirements must be met:
 - (a) all quotations must be obtained in writing;
 - (b) the request for quotations must be placed on the Municipality's web page.
11. For goods and services having a value of more than \$30,000

- (1) The procurement decision must be made by Council, unless Council has expressly authorized the CAO to make the decision;
 - (2) Goods and services must be procured by public tender, which may be preceded by a request for qualifications or request for expressions of interest.
12. Municipal staff or Council (whoever has authority to award the contract under this Policy) may approve exceptions to the normal purchasing practices outlined in sections 7 to 10 of this Policy:
- (1) when a more competitive process normally used for goods and services of higher value, is used;
or
 - (2) when, in accordance with the criteria described in the “alternative procurement practices” provisions at section 18 of this Policy, it is necessary or appropriate that the goods or services be purchased in accordance with that section.

PART III – GUIDELINES FOR PROCUREMENT PROCEDURES

13. Standing offers:

- (1) A standing offer is a source of supply available to the Municipality either through a standing price agreement with a supplier or as a member of a larger group of purchasers, and includes:
 - (a) a standing agreement between the Municipality and a supplier in which the supplier commits to providing specified goods or services at a specific price for a specific period of time. Such standing agreements should themselves be the subject of a competitive tender process;
 - (b) equipment leasing programs through the Government of Nova Scotia;
 - (c) Nova Scotia Provincial "standing offers" administered by the Nova Scotia Government;
 - (d) supplies and services available from the Nova Scotia Government;
 - (e) a procurement program administered by the Union of Nova Scotia Municipalities or the Association of Municipal Administrators;
 - (f) any other program available to several municipal units and other public sector entities such as hospitals and school boards, provided that municipal staff is satisfied that such program has been developed and conforms with the principles set out in section 4.

14. Request for quotations:

- (1) A request for quotations process involves informally obtaining price quotations from a number of different suppliers.
- (2) Requests for quotations are generally used when the cost of the goods or services does not warrant the time, effort and expense required for a formal public tender process.
- (3) Quotations must normally be sought from at least three suppliers but fewer suppliers may be used when three suppliers are not available within a reasonable distance, having regard to the value of the goods and services, the shipping or travel cost and the amount of time available before the goods and services are required to be available. If it is decided to obtain fewer than three quotations, the person responsible for that decision must document their reasons for doing so.
- (4) Quotations must normally be obtained in writing, but when time does not permit the obtaining of written quotations, the quotations may be obtained verbally, except when this Policy stipulates otherwise. If a quotation is obtained verbally, the person obtaining it must document the quotation, including the time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation.

15. Public tender:

- (1) Public tender means publicly advertising the Municipality’s intended procurement of certain goods or services and inviting responses from interested suppliers.
- (2) Public tenders are used for higher value procurements, when the cost of the goods or services warrants the time, effort and expense required for a public tender process.
- (3) Public tenders can be in the form of traditional tenders (see section 15), requests for proposals (see section 16), two phase bids (see section 17), Request for Qualification (section 18).

16. Traditional tender:

- (1) A traditional tender is a formal invitation to suppliers to submit a bid to supply specified goods or services.
- (2) A traditional tender should be used when the procurement requirements of the Municipality can be clearly and completely specified.
- (3) Traditional tenders do not have to be opened in public, but if they are not, the name of each bidder and the amount of their bid must be made available to each bidder after the tenders are opened.

- (4) The Municipality must not negotiate with any bidders, but must award the procurement contract to the bidder that meets the tender requirements and provides best value.

17. Request for proposals:

- (1) A request for proposals is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Municipality.
- (2) A request for proposals may be used when the Municipality is unable to clearly or completely specify the goods or services required, and suppliers are therefore asked to provide a solution to the problem, requirement or objective. Requests for proposals may also be used for professional and consulting services.
- (3) In order to preserve confidentiality of sensitive commercial information contained in a proposal, proposals submitted in response to a request for a proposal need not be opened in public, but must be opened in the presence of at least two representatives of the Municipality, and after the proposals are opened a list of the proponents must be available to the public and the proponents upon request.
- (4) Negotiations may be conducted with a proponent after proposals have been opened, subject to complying with the terms of the request for proposals which must be drafted to avoid unfair "bid-shopping" by the Municipality (that is, to avoid using the bids submitted as a negotiating tool to obtain a better price or other benefit).
- (5) The Municipality must award the procurement contract to the supplier whose proposal is determined to provide best value to the Municipality based upon the evaluation criteria set out in the request for proposals and equitably applied to all proposals.

18. Two phase bids:

- (1) A two phase bid process invites suppliers to submit bids as follows:
 - (a) Phase One: one or more steps in which bidders submit proposals for evaluation, either with or without prices in a separate submission;
 - (b) Phase Two: Only those bidders whose proposals were determined to be acceptable will be entitled to submit priced bids for consideration or, where prices are submitted separately in Phase One, the prices are opened.
- (2) A two phase bid process may be used when detailed specifications are not available or it is impractical to prepare a specification based on price
- (3) The Phase One submissions need not be opened in public, but must be opened in the presence of at least two representatives of the Municipality and a list of the proponents will be available to the public and the proponents upon request. Phase Two bids must be opened in public.
- (4) The Municipality must not negotiate with any bidders, and must award the procurement contract to the supplier whose proposal is determined to provide best value to the Municipality based upon the evaluation criteria set out in the Phase One request for submissions equitably applied to all proposals, and the prices in Phase Two.

19. Request for Qualification

- (1) A Request for Qualification is a formal invitation to suppliers of goods, services and construction and shall be used for the purpose of selecting qualified bidders if the nature of the work or services to be performed requires ascertainable minimum standards.

20. Alternative procurement practices

- (1) In certain circumstances, described in this section, the Municipality may purchase goods or services without using one of the options set out above. An alternative procurement purchase may occur only:
 - (a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures;
 - (b) Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;
 - (c) Where compliance with the open tendering provisions set out in this Policy would interfere with the Municipality's ability to maintain security or order or to protect human, animal or plant life or health;
 - (d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;
 - (e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;

- (f) Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;
 - (g) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
 - (h) For the purchase of goods on a commodity market;
 - (i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;
 - (j) For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;
 - (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases;
 - (l) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
 - (m) For the procurement of original works of art;
 - (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
 - (o) For the procurement of real property;
 - (p) For the procurement of goods intended for resale to the public;
 - (q) For procurement from philanthropic institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
 - (r) For procurement from a public body or a non-profit organization; or
 - (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.
- (2) When an alternative procurement purchase occurs, the reason for doing so must be documented.

PART IV – REQUIREMENTS FOR ALL PUBLIC TENDERS

21. The following requirements apply to all public tenders, whether traditional tenders, requests for proposals, or two phase bids:
- (1) The Municipality must provide reasonable notice and opportunity to respond to public tenders, and must post or place notices of public tenders as follows:
 - (a) on the public website maintained and operated by the government of Nova Scotia;
 - (b) on the Municipality's website;
 - (c) in other media, as directed by the CAO, when the CAO determines that the cost and nature of the procurement warrants the expense of doing so.
 - (2) Every public tender must include or have attached the terms and conditions that govern the tender.
 - (3) The terms and conditions of every notice of public tender must be consistent with:
 - (a) the standard instructions that support public tenders issued by the four Atlantic provinces for goods and services, known as the Atlantic Standard Terms and Conditions (a copy of which is attached as Schedule "A" to this Policy), for the procurement of goods and services;
 - (b) the standard instructions that support construction tenders issued by the government of Nova Scotia, known as the Construction Contract Guidelines (a copy of which is attached as Schedule "B" to this Policy), for the procurement of construction.
 - (4) Public tenders should normally include specifications or terms as follows:
 - (a) expressly or by implication outlining the issues or criteria that will be used for selection of a successful bidder or proponent;
 - (b) a privilege clause stating that the lowest or any bid or proposal will not necessarily be accepted;
 - (c) the location for delivery of bids or proposals;
 - (d) the means of delivery of bids or proposals, e.g., whether faxes or e-mails are acceptable in addition to "hard copy" submissions;
 - (e) the time and date of closing;
 - (f) a warning that tender documents and bids will be open to the public, except to the extent otherwise stated in a call for tenders or a request for proposals, in which event there must be included a warning that proposals or bids are subject to the Freedom of Information and Protection of Privacy provisions of the *Municipal Government Act*, and

- (g) for design or architectural services, a statement that the Municipality will own the copyright in the design, plans and other intellectual property produced for the Municipality.
 - (5) Public tenders should also include a form of contract that the successful bidder will be required to enter into with the Municipality, or should direct that bidders or proponents must provide the form of contract with their bid or proposal.
 - (6) For each public tender that is awarded, the Municipality must post the name of the successful supplier and the contract amount on the public website maintained and operated by the government of Nova Scotia.
 - (7) The terms and conditions of every public tender must state the criteria that the Municipality will use in evaluating responses. Those criteria are not limited to purchase price and life cycle cost considerations, but may also include items such as environmental and social considerations, delivery, servicing and the capacity of the supplier.
22. Upon the request of a supplier who is an unsuccessful bidder in a public tender, the Municipality must conduct a debriefing with that supplier to provide feedback on the evaluation of the public tender. The debriefing must be conducted as follows:
- (1) the CAO or the individuals who evaluated the public tender must conduct the debriefing;
 - (2) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
 - (3) the debriefing must also provide information to the supplier on how to improve future submissions;
 - (4) the debriefing must not disclose any information regarding other bidders or their submissions.

PART V – LOCAL PREFERENCE AND SUSTAINABILITY CONSIDERATIONS

Local preference

23. Municipal staff or Council (whoever has the authority to award the contract under this Policy) may give preference to purchasing goods and services from local businesses in accordance with the following:
- (1) In evaluating which goods or services offer best value to the Municipality, the Municipality must apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods or services offer best value.
 - (2) All requests for quotations and notices of public tender must state that local preference applies to the procurement.
 - (3) In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:
 - (a) goods that have a value of \$25,000 or greater;
 - (b) services that have a value of \$50,000 or greater; and
 - (c) construction that has a value of \$100,000 or greater.

Sustainability considerations

24. Pursuant to the *Public Procurement Act*, in evaluating which goods or services offer best value to the Municipality, the Municipality may consider sustainability criteria, meaning environmental considerations, social considerations and economic considerations.
- All requests for quotations and notices of public tender must list the sustainability criteria that apply to the procurement.

PART VI – SPECIAL SERVICES

Licensed Professionals

25. Legal Services
- (1) Legal Services shall be acquired by staff based upon work requirements from a roster of lawyers selected through a Request for Qualification based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The selection of the lawyer from the roster in an individual case shall be based upon the particular expertise required for that case.
 - (2) Legal services having a value of less than \$15,000 may be procured by the applicable Director.
 - (3) Legal services having a value of \$15,000 or more shall be awarded by the CAO (or designate).
 - (4) A Request for Qualification for legal services shall be issued, at a minimum, every three (3) years.
26. Professional Services (i.e. Architectural, Engineering, Communications, IT, Human Resources)
- (1) When these services are less than \$50,000, they shall be procured by the CAO from a roster of consultants selected through a Request for Qualification as identified in each Request for Qualification.

- (2) Consultants shall be selected, by project, based upon qualifications, experience, services offered, past performance, proposed fees, and other relevant considerations as outlined in the Request for Qualification.
- (3) A Request for Qualification for these services shall be issued, at a: minimum, every two (2) years with an update annually.
- (4) A Request for Proposal shall be issued for required services over the value of \$50,000.
- (5) Rosters offered by the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Municipality.

Financial Services

27. Banking Services

- (1) General Banking services shall be acquired by public solicitation at intervals not greater than every five years. These services shall be contracted on a one year term to be renewed on an annual basis up to a five year maximum on terms satisfactory to the Municipality.

28. Auditing Services

- (1) Services of External Auditors shall be acquired by public tender at intervals not greater than every five years. These services may be contracted on a one year term to be renewed on an annual basis up to a five year maximum on terms satisfactory to the Municipality.
- (2) Selection of an auditor shall be completed by the Audit Committee of Council who shall recommend the selection of an External Auditor to Council. Annual renewal of the contract for External Audit services shall be made by the Audit Committee.

PART VII - GENERAL

Conflicts of interest

29. If a staff member otherwise authorized to award a contract has a conflict of interest (that is, he or she stands to gain or lose financially from a contract award), the award must be made by the person to whom the conflicted staff member normally reports and the conflicted staff member must not participate in the procurement process related to the contract in any manner. Where Council is awarding a contract, the *Municipal Conflict of Interest Act* applies.

Duration of contracts

30. Contracts for goods and services, other than those identified in Section VI, that are required to be procured by public tender under this Policy, including price agreements, must be re-tendered at least once every five years but may be re-tendered more frequently at the direction of Council.

Lease arrangements

31. Lease arrangements are subject to the provisions of this Policy, save and except that Council's authority must be obtained for any leases required by the *Municipal Government Act* to be authorized by Council.

Approval of form of tender

32. Public tendering documents are to be reviewed by the CAO prior to issuance to ensure consistency of tendering documents and practices.

Expenditures

33. Expenditures for goods and services made pursuant to this Policy must be made in compliance with the Municipality's Expenditures Policy.

Estimating the value of goods and services

34. In determining the cost of the goods or services for the purpose of deciding which of sections 7, 8, 9 or 10 apply to a purchase, staff must reasonably estimate the cost of the goods or services.

Posting on Municipal website

35. A copy of this Policy must be posted on the Municipality's website.

Compliance with Policy

37. All staff and Councillors must act in good faith to comply with this Policy, but failure to comply with this Policy does not invalidate any procurement decision or act of the Municipality, nor is the Municipality liable to any supplier or prospective supplier for failing to comply with this Policy.
38. This Policy is effective upon adoption and replaces any previous Procurement Policies.

MOTION CARRIED #17-096

IT WAS MOVED by Deputy Warden Fletcher seconded by Councillor Welton to adopt the Fire Service Purchasing Policy Repeal Policy.

Municipality of Cumberland Policy
Fire Service Purchasing Policy Repeal Policy 17-XX

1. This Policy is entitled the "Fire Service Purchasing Policy Repeal Policy".
2. Policy FS 06-06 the "Fire Service Purchasing Policy" is hereby repealed.

MOTION CARRIED #17-097

6. BUSINESS ISSUES

6.1 80/20 Local Trucker Content

The CAO provided an update to Council. Mr. Dowe of the Cumberland County Trucker's Association and the N.S. Truckers Association and Mr. Craig McCormack were in attendance and each made a brief presentation to council. They then responded to questions from council.

Management staff was in agreement and assured Council, in the future the 20/80 rule will be considered on a case by case basis for inclusion in the tenders being released by the Municipality.

6.2 JOHSC Issues

Councillor Rafuse asked for direction to clarify some items of confusion from the Occupational Health and Safety Committee. Background information was included in the meeting materials.

6.3 Canine Control/Bylaw Officer Report

The report was included in your meeting package.

6.4 Dangerous and Unsightly Update

An update was included in your meeting package.

6.5 Grant Requests

A memo detailing two grant requests was included in the materials.

IT WAS MOVED by Deputy Warden Fletcher seconded by Councillor McLellan to provide a grant in the amount of \$1,100 to the North Nova Penguins/Amherst Penguins Hockey program. Funds to come from the 2017/2018 grants budget.

MOTION CARRIED #17-098

IT WAS MOVED by Councillor Jackson seconded by Councillor Chase to provide a grant in the amount of \$5,560 to the Cumberland County Minor Hockey Association. Funds to come from the 2017/2018 Annual Grants budget.

MOTION CARRIED #17-099

6.6 Pugwash Summer Position

Staff is recommending that Council cost share in a position for a summer job for the Village of Pugwash for an Administrative Assistant/Recreation Coordinator. Details were included in the meeting package.

IT WAS MOVED by Councillor Welton seconded by Councillor McLellan to approve funding assistance up to \$2,250 to assist the Village of Pugwash with the cost of hiring a summer position Admin Assistant / Recreation Coordinator.

MOTION CARRIED #17-100

6.7 Westchester Post Office

Councillor Palmer has provided information regarding a change in service levels for the Westchester Post Office and is requesting Council's support to not have the service levels change.

IT WAS MOVED by Councillor Palmer seconded by Councillor Gilbert to forward correspondence to Canada Post requesting Canada Post maintain the current level of service and hours of operation at the Westchester Post Office.

MOTION CARRIED #17-101

6.8 Tax Collection Memo

Tax Collection reports for February and March, 2017 are included in your package.

6.9 Remittal(s)

Account # 05618835 District: 06 Civic Address: Fountain Lake

IT WAS MOVED by Councillor Chase seconded by Councillor Welton that Council provide a remittal in the amount of \$107.61 for the taxes and interest that accumulated on the account 05618835 for the 2015 tax year.

MOTION CARRIED #17-102

Account # 02241285 District: 04 Civic Address: South Pugwash

IT WAS MOVED by Councillor Williams seconded by Councillor Jackson that Council provide a remittal in the amount of \$1,723.31 for the taxes and interest that accumulated on the account 02241285 since 2012.

MOTION CARRIED #17-103

Account # 01465481 District: 03 Civic Address: 53 Jackson Point Rd.

IT WAS MOVED by Councillor Welton seconded by Councillor Gilbert that Council provide a remittal in the amount of \$728.54 for the interest that accumulated on the account 01465481 from 2013 to 2017.

MOTION CARRIED #17-104

Account # 04314824, 10427215, 10362687, 04314832, 04314808 District: 03

IT WAS MOVED by Councillor Gilbert seconded by Councillor Chase that Council provide a remittal in the amount of \$518.61 for interest expenses that have accumulated on the accounts 04314824, 10427215, 10362687, 04314832, and 04314808 since 2013.

	Interest	Title Search	Ad fee
04314824	\$99.55		
10427215	\$117.72	\$161.00	\$53.55
10362687	\$65.31	\$161.00	\$53.55
04314832	\$177.67	\$161.00	\$53.55
04314808	\$58.36	\$161.00	\$53.55
Total	\$518.61	\$644.00	\$214.20

MOTION CARRIED #17-105

Account #: 10585635 District: 02 Civic Address: Lot 14-3 Brookdale

IT WAS MOVED by Councillor Chase seconded by Councillor Welton that Council provide a remittal in the amount of \$497.86 for the taxes and interest that accumulated on the account 10585635 since 2015.

MOTION CARRIED #17-106

Account #: 07445458 District: 05 Civic Address: 549 Miller Road, Pugwash

IT WAS MOVED by Councillor Williams seconded by Councillor Gilbert that Council provide a remittal in the amount of \$795.33 for the taxes and interest that accumulated on the account 07445458 since 2015.

MOTION CARRIED #17-107

Declaring a conflict of interest, Councillor Rafuse left the meeting at 8:57 p.m.

- 6.10 Draft Development Agreement – Rafuse Subdivision
Background information was included in the meeting material.

IT WAS MOVED by Councillor Gilbert seconded by Councillor McLellan that Council approve first reading of the Development Agreement – Rafuse Subdivision.

MOTION CARRIED #17-108

Councillor Rafuse returned to the meeting at 9:00 p.m.

- 6.11 Provincial Capital Assistance Program
Justin Waugh-Cress provided Council with information regarding the application for funding under the PCAP program for replacing a large culvert on McGee Street, Springhill.

IT WAS MOVED by Councillor Jackson seconded by Councillor Williams to put forward our PCAP Funding application for the McGee Street Culvert Project.

MOTION CARRIED #17-109

6.12 Joggins Fossil Center Heat Pump Repairs

Staff was directed to check the warranty for the heat pump and if it has expired, pay to have it fixed.

IT WAS MOVED by Councillor McLellan seconded by Deputy Warden Fletcher to approve an expenditure of up to \$2,950.00 plus HST to repair the heat pump at the Joggins Fossil Centre.

MOTION CARRIED #17-110

7. **INFORMATION ITEMS**

7.1 Royal Canadian Legion – Pugwash Branch

A “Thank You” was received from the Pugwash Branch of the Royal Canadian Legion for funding for roof repairs.

8. **ADJOURNMENT**

8.1 The Queen

The meeting was adjourned at 9:15 p.m. The Queen was sung.

Warden Alison Gillis

Municipal Clerk Brenda Moore

DRAFT