



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
CO-ORDINATING COMMITTEE**

Meeting Agenda **AMENDED**

Monday, February 04, 2019 – 6:00 p.m.

Windsor Council Chambers, 100 King Street, Windsor, NS



1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA** – Additions and/or Deletions (see changes in 'red')
3. **APPROVAL OF MINUTES** – January 10, 2019
4. **DELEGATIONS / PRESENTATIONS (if any)**
 - (a) **Shannon Bennett, Dept. of Municipal Affairs – Budget and Provincial Funding**
5. **BUSINESS ARISING FROM PREVIOUS MINUTES (if any)**
 - (a) **Co-ordinating Committee / Terms of Reference – Approval Required**
 - (b) **Nova Scotia Utility & Review Board Timeline – Dates Confirmed (two letters circulated and one timeline circulated)**
 - (c) **Workplan Update (circulated)**
 - (d) **Governance Review - Stantec Study Update (one memo circulated)**
 - (e) **Governance / Literature Review – Professor Jamie Baxter Update (two items circulated)**
 - (f) **Communications Interim Support – PR Hive Update**
 - (g) **Project Administrator Update**
6. **REQUEST FOR PROPOSALS (RFPs) / STUDIES**
 - (a) **Executive Search RFP for CAO – Status**
 - (b) **HR Analysis RFP - Status**
 - (c) **Asset Management RFP - Status**
 - (b) **Communications RFP**
7. **BILL 55, SECTION 12 ITEMS**
 - (a) **Commercial Development District Bylaws for Windsor and West Hants – Recommendation Report**
8. **ADDITIONS TO THE AGENDA (if any, as noted under Item #2)**
 - (a) **Council Size/Boundary Review Survey**
 - (b) **Future Items**
9. **IN-CAMERA (if any)**
 - (a) **Contract Negotiations**
10. **NEXT CO-ORDINATING COMMITTEE MEETING DATE(S) & ADJOURNMENT**



**REGION OF WINDSOR AND WEST HANTS MUNICIPALITY
CO-ORDINATING COMMITTEE**

Meeting Minutes

Thursday, January 10, 2019 – 6:15 – 9:01 p.m.

Windsor Council Chambers, 100 King Street, Windsor, NS



ATTENDANCE

Co-ordinating Committee Members

Kevin Latimer	Co-ordinator, Chair
Anna Allen	Mayor, Town of Windsor
Laurie Murley	Deputy Mayor, Town of Windsor
Abraham Zebian	Warden, Municipality of the District of West Hants
Jennifer Daniels	Councillor /Alternate Co-ordinating Committee Member, Municipality of the District of West Hants

Staff/Alternate Committee Members

Todd Richard	Acting CAO/Director of Public Works, Town of Windsor
Martin Laycock	CAO, Municipality of the District of West Hants
Shelleena Thornton	Municipal Clerk, Town of Windsor
John Bregante	Councillor/Alternate Co-ordinating Committee Member, Town of Windsor
Shannon Bennett	Department of Municipal Affairs, Province of NS
John Heseltine	Presenter, Stantec

Regrets

Paul Morton	Deputy Warden, Municipality of the District of West Hants (Committee Member)
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Gallery

Colin Chisholm Reporter, Valley Journal Advertiser
24 in the gallery (which included other Windsor and West Hants Council members and staff)

- 1. CALL TO ORDER** – K. Latimer called the meeting to order at 6:22pm and welcomed everyone. He introduced himself and outlined his role. This is the second meeting of the Co-ordinating Committee; the first held in mid-December at West Hants. Introductions of the Co-ordinating Committee (incl. Alternates), CAO's, Municipal Clerk, and Shannon Bennett of Dept. of Municipal Affairs was held.

Public interest in this is appreciated and encouraged/welcomed, and to-date, staff support has been great in helping get this successfully launched and underway.

- 2. APPROVAL OF AGENDA** – Additions and/or Deletions

Item 8(a) – Add Establishment of Tax Rate Policy

Item 9(a) – Add In-camera – Contract and Personnel matters

MOVED/SECONDED THAT THE AGENDA BE APPROVED AS AMENDED. MOTION CARRIED

- 3. APPROVAL OF MINUTES** - of December 13, 2018

Amendment(s):

- Change all references of “Transition Committee” to “Co-ordinating Committee”

- Change all references of “Transition Co-ordinator” to “Co-ordinator”
- Remove “alternate” beside Councillor Shelley Bibby’s name (as she is not an alternate)
- Add approval signature lines at end of meeting minutes (Chair and Recorder)
- Committee member Murley identified as Councillor and should be changed to Deputy Mayor

NOTE: Approved minutes will be posted on the Town of Windsor website, Municipality of the District of West Hants’ website, and the www.strongerregion.ca website.

MOVED/SECONDED THAT THE DECEMBER 13, 2018 MEETING MINUTES BE APPROVED AS AMENDED. MOTION CARRIED

4. DELEGATIONS / PRESENTATIONS (if any)

(a) Bill 55 Presentation – Co-ordinator – Co-ordinator Latimer reviewed the presentation noting:

- Background information and where this process is to-date;
- Goals/Mandate;
- History of previous studies done in NS (i.e. Graham Commission, Now or Never Ivany Report, Municipal Modernization, Bill 55);
- Role of the Co-ordinating Committee and Co-ordinator;
- Bill 55 Timeline (i.e. new CAO appointment, election timeline, new council/new name for the Regional Municipality, etc);
- Moving Forward – Communications’ Request for Proposals (RFP) will also outline the public engagement component as that is critical to the success of this entire process, and Work plan & Schedule.

Questions/Comments from the Co-ordinating Committee – None.

Presentation concluded at 6:51pm.

(b) John Heseltine, Stantec – Boundary Review – Mr. Heseltine introduced himself; his role and experience. He reviewed the presentation and outlined the NS Utility and Review Board process for council size and boundary review. Public consultation is critical in the process. More than one option may be proposed stemming from the consultation process.

- Project Schedule – an overview of Phases I (Council size) and II (Boundary review) were held noting there will be five public consultation sessions to be held in West Hants and Windsor for each of the phases (ten in total). They’ll be starting late January and into February.
- Online survey – currently being established and once complete will be made public. Links will be provided on both municipal websites and social media pages, as well as the www.strongerregion.ca website. Hard-copies will also be available. The online survey shouldn’t take any more than five minutes to do and will be available prior to the consultation sessions and continue throughout. Reporting - after the consultations are held, Stantec will review, compile the information and provide the reports to the Co-ordinating Committee with recommendations. Co-ordinating Committee will then approve/recommend what they feel is the best options for council size and boundaries. That decision will then go before the NS Utility & Review Board.

One member of the public arrived at 7:06pm.

Questions/Comments by Co-ordinating Committee to Mr. Heseltine

- Reference to ‘desired style of council’ refers to council size (which may affect how it operates);
- Boundary Review - will refer to census information and plotting of voters as municipal information is accumulated;

- Five public consultation meetings in each Phase – looking at Falmouth, Vaughans, Brooklyn, Cheverie, and Windsor. Currently securing dates and locations;
- Consultations, how is duplication avoided when they're held online and physically? – Subject matter between the two phases is distinct;
- Online survey – will there be supporting data provided? - The questionnaires are not to steer respondents in any one direction so there won't be a great deal of in-depth benchmarking. The survey has been run in many other municipalities and has worked very well;
- Should a special interest group come together, would it affect the timeframe in which to get results and/or the NS Utility & Review Board process? - Cannot specify for certain; however, Mr. Heseltine is familiar with interveners and those that have also participated in the NS Utility and Review Board hearing process. He doesn't believe it would extend the estimated timeline; however if it gets more complex, would have to work through that;
- GIS plotting – NS Civic Addressing provides the information;
- NS Utility & Review Board – Co-ordinator Latimer will meet with them Jan. 16th for direction and timelines as Stantec should conclude the *Review* within three months;
- Consolidation / Dissolution – Co-ordinator Latimer advised that many references are/have been made to Hantsport and West Hants, and reminded everyone that this current process between the Town of Windsor and Municipality of the District of West Hants is unique. It is not a dissolution or standard statutory boundary review, but rather both municipal governments voluntarily committed to come together as one regional municipality. Mr. Heseltine advised he understood that.
- Literature Review – Mr. Heseltine advised Stantec was not asked to do a literature review but he is familiar with studies that have been done over the years;
- Consultation process – when asked if both CAOs would be spoken with during the process, Mr. Heseltine said an open process is key and encouraged, so that could be done;
- Survey – will be available online and with hard-copies that will be left in very public locations (to be determined).

Presentation concluded at 7:23pm and Mr. Heseltine and Director LeMay left the meeting.

5. BUSINESS ARISING FROM PREVIOUS MINUTES (if any)

- (a) Terms of Reference (TOR) / Status** – K. Latimer – a document he is looking after in-conjunction with the CAOs and working group. The draft was circulated to the working group earlier this week and will address such things as: meeting frequency, location, agenda/minutes preparation, budget, monitoring of the budget and reporting on it, and reporting by the committee, etc. The TOR will be brought forward at the Jan. 24th Co-ordinating Committee meeting.
- (b) Nova Scotia Utility & Review Board / Dates** – K. Latimer – Stantec presentation provided timelines. The Co-ordinating Committee recommendation re. Council Size & Boundaries will go to the NS Utility & Review Board for review and approval. K. Latimer is meeting with the NS Utility & Review Board on Jan. 16th re. the legislated mandate, requirements and timelines, and should there be information to report back, it will be raised at the Jan. 24th Co-ordinating Committee meeting.
- (c) Work plan & Schedule / Status** – K. Latimer – working closely with the working group to identify key aspects of the work plan and schedule. Big tickets items include (but not limited to): Governance Review, bringing workforces together, Human Resource (HR) RFP, and Appointment of the new CAO. Once the work plan/schedule is up and in place, it will be an important document for the Co-ordinating Committee. Based on the work done to-date, should be able to bring the work plan to the Co-ordinating Committee mid-February.

RFPs – HR RFP closes Feb. 21, 2019. The Communications RFP and Asset Management RFP will be addressed later on the agenda.

(d) Budget – CAO Laycock provided an overview of the report. Some points included:

- This budget is up to March 31, 2019. Understands another budget for the next fiscal year would also need to be submitted;
- Proposed budget is of high-level estimates as there are no previous budgets to refer to;
- Part of the expenses are accruals;
- If an item is glaringly outside the budget or unforeseen, it would definitely come before the Co-ordinating Committee;
- Administrative support is identified and this position will be posted if approved by the Co-ordinating Committee (currently working on the job description);
- RFPs – approximately a two-month turnaround.
- Communications – until the RFP is done, there is opportunity to hire an individual to bridge that gap in the interim, who in-turn, could help establish a strategy (committee members identified this as important);
- Next budget– a Committee member expressed concern of the next fiscal year’s budget and wanted to ensure resources are available to staff.

MOVED/SECONDED THAT THE ATTACHED BUDGET FOR ANTICIPATED EXPENSES BE APPROVED AS PRESENTED. MOTION CARRIED

(e) Co-ordinating Committee Meeting Dates – Next meeting is Thursday, Jan. 24th at 6:15pm at West Hants. After that, meetings will be at 6:00 pm on the 1st & 3rd Mondays of each month (excl. stat holidays), alternating locations (starting Feb. 4th in Windsor). Once matters get up & running, may not need to meet as frequently.

6. REQUEST FOR PROPOSALS (RFPs) / STUDIES

(a) Executive Search RFP for CAO – K. Latimer – The process can be lengthy so it is important to proceed sooner than later.

Questions/Comments

- Next budget will cover the cost of this process;
- Candidate interviews – this will be coordinated through K. Latimer and he would like to be a part of that process; however, perhaps the Co-ordinating Committee should give this process thought and discuss;
- CAO Appointment – Bill 55 and the earlier presentation indicated Jan. 1, 2020; however, the report indicates July 2019. K. Latimer says the legislation indicates to be appointed ‘by’ Jan. 1, 2020; hoping it will be done prior to then.

MOVED/SECONDED THAT THE CO-ORDINATOR IS AUTHORIZED TO MOVE FORWARD WITH A REQUEST FOR PROPOSALS (RFP) TO ENGAGE A RECRUITMENT FIRM TO ASSIST IN THE HIRING OF A CHIEF ADMINISTRATIVE OFFICER FOR THE REGIONAL MUNICIPALITY. MOTION CARRIED

(b) Studies (existing and potential) – CAO Laycock provided an update:

- HR RFP has been posted and closes Feb. 21;
- Communications RFP is still being worked on and one aspect is to help facilitate the public consultation strategy as well as media outlets, etc. Will try to have available by the Jan. 24th Co-ordinating

Committee meeting;

- Asset Management RFP – Acting CAO Richard indicated the RFP has been started on. This RFP will be broken into two parts: Part ‘A’ - Asset Registry Portion; Part ‘B’ - Road Map for Asset Road Map Strategy. Timeline of two weeks to put them together and should have something for the Jan. 24th Co-ordinating Committee meeting.
- Other RFPs – CAO Laycock stated that the working group can assess other RFPs that will be needed.

7. BILL 55 - SECTION 12 ITEMS - K. Latimer provided an overview of Section 12 and why these particular matters are on the agenda and noted similar type items may be on future agendas from time-to-time.

- (a) **Town of Windsor’s Infrastructure Funding Projects** – Director Richard provided an overview of the report. When asked if these were projects already identified in the budget, Director Richard said Highland Avenue was going to be split into two fiscal years.

MOVED/SECONDED THAT THE CO-ORDINATING COMMITTEE APPROVES STAFF SUBMITTING THE FOLLOWING TWO PRIORITY PROJECTS TO BE CONSIDERED FOR ICIP INFRASTRUCTURE FUNDING (1) WATER/SEWER SERVICES & STREET RENEWAL – HIGHLAND AVENUE INCLUDING CHURCHILL STREET, AND (2) MILL LAKES WATERSHED – DAM/WATER CONTROL STRUCTURES UPGRADES. MOTION CARRIED

- (b) **Town of Windsor’s Fire Surplus Equipment**

MOVED/SECONDED THAT THE CO-ORDINATING COMMITTEE APPROVES WINDSOR TOWN-OWNED FIRE APPARTUS PUMPER #3 BE DECLARED SURPLUS EQUIPMENT ALLOWING DISPOSAL OF A CAPITAL ASSET AS PER SECTION 12(C) OF BILL 55. MOTION CARRIED

- (c) **Municipality of the District of West Hants and Town of Windsor’s Property Valuation Services Corporation (PVSC) Agreements beyond March 31, 2020**

MOVED/SECONDED THAT THE CO-ORDINATING COMMITTEE AUTHORIZES THE TOWN OF WINDSOR AND THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS TO ENTER INTO A FIVE-YEAR SERVICE LEVEL AGREEMENT WITH PROPERTY VALUATION SERVICE CORPORATION (PVSC). MOTION CARRIED

8. ADDITIONS TO THE AGENDA (if any, as noted under Item #2)

- (a) **Tax Rate Policy** – Committee member Daniels would like to discuss the possibility of the Co-ordinating Committee establishing a Tax Rate Policy. Intent wouldn’t be to establish the rate, but rather, identify the different types of taxes citizens presently pay and moving forward into the new Regional Municipality (distinguishes area rates, tax rate, service rates, etc) and who pays which. This would also help build confidence of citizens and is a guiding principle in governance. She could forward supporting documents to the committee as it has been done in other municipalities.

K. Latimer – The working group has discussed the importance of information being communicated and he suggested bringing this forward once the Co-ordinating Committee has had the opportunity to review the Work Plan so it could be addressed in-relation to other matters identified. CAO Laycock – perhaps not attach a deadline to it. It was agreed the working group look at it and report back when necessary.

9. **IN-CAMERA (if any)** – Everyone left the meeting at 8:15pm. Only Co-ordinator Latimer and Committee Members Zebian, Daniels, Allen, Murley and alternate Bregante remained for the in-camera session.

MOVED/SECONDED THAT AT 8:15PM, AS PER S. 22(2)(e) OF THE NS MUNICIPAL GOVERNMENT ACT, THE MEETING MOVE IN-CAMERA TO DISCUSS CONTRACT AND PERSONNEL MATTERS. MOTION CARRIED

MOVED/SECONDED THAT AT 9:00PM, THE MEETING MOVE OUT OF IN-CAMERA. MOTION CARRIED

10. NEXT CO-ORDINATING COMMITTEE MEETING DATE(S) & ADJOURNMENT

- January 24 at 6:15pm – WH Council Chambers
- Following that, 6:00pm every second Monday rotating Windsor & WH Council Chambers (starting Monday, Feb. 4 at 6pm in Windsor; Monday, Feb. 19 in WH; Monday, Mar. 4 in Windsor, etc, until such time as meetings could be less frequent).

MOVED/SECONDED THAT AT 9:01PM, THE MEETING BE ADJOURNED. MOTION CARRIED

	Transition Budget - March 31, 2019	
	31-Mar-19	Notes
Request for Proposals (RFP)		
Boundary review	\$ 38,615.00	Significantly completed by March 31, 2019
Human Resources	\$ 75,000.00	Significantly completed by March 31, 2019 - Ongoing HR management costs 2019-2020
Asset Management	\$ 37,500.00	25% completed by March 31, 2019. Remaining money will sit as an accrued liability
Communications	\$ 18,750.00	12 month contract (25%) used. Remaining money will sit as an accrued liability
	<i>subtotal</i> \$ 169,865.00	
RFP accruals		
HR RFP	\$ 50,000.00	Ongoing HR costs up to November 30, 2019
Asset management	\$ 112,500.00	Remaining RFP costs in 2019-2020
Communications	\$ 56,250.00	Remaining services up to November 30, 2019
	<i>subtotal</i> \$ 218,750.00	
Administration		
Transition Coordinator	\$ 37,500.00	Est. \$150,000/year - Used 25% by March 31, 2019
Administration Support (0.6 FTE)	\$ 8,500.00	0.6 FTE at \$27,000/year + statutory benefits - Used 25% by March 31, 2019
Supplies	\$ 10,000.00	
IT support	\$ 25,000.00	Website, Diamond support, hardware, software
Regulatory	\$ 7,500.00	UARB hearing, Federal and Provincial changes, etc.
Legal	\$ 10,000.00	Support for transition related legal issues
Misc. costs	\$ 12,885.00	Mileage, per-diems, unforeseen expenses
	<i>subtotal</i> \$ 111,385.00	
Total expenses	\$ 500,000.00	

Co-ordinator, Kevin Latimer

Meeting Recorder, Shelleena Thornton

TERMS OF REFERENCE REGIONAL MUNICIPALITY CO-ORDINATING COMMITTEE

AUTHORITY

The Co-ordinating Committee is established pursuant to Section 5 of Chapter 26 of the Acts of 2018, an Act to incorporate the Region of Windsor and West Hants Municipality (the “Regional Municipality”).

PURPOSE

The Co-ordinating Committee is responsible for designing and implementing the administrative structure of the Regional Municipality in accordance with the legislation (attached as Appendix “A”).

SCOPE

The Co-ordinating Committee has all the powers of the Council of the Regional Municipality and its Police Advisory Board until the Council first takes office on April 1, 2020. The Co-ordinating Committee will be guided in its decision-making by the Guiding Principles adopted by the Committee (attached as Appendix “B”). All acts of the Co-ordinating Committee have, upon the incorporation of the Regional Municipality, full force and effect and are deemed to have been exercised by the Regional Municipality.

CO-ORDINATING COMMITTEE MEMBERSHIP

Membership of the Co-ordinating Committee consists of the Mayor and Deputy-Mayor of Windsor and the Warden and Deputy-Warden of West Hants and the Co-ordinator appointed by the Minister. Alternate members designated in accordance with the Act will attend meetings of the Co-ordinating Committee where a member of the Co-ordinating Committee is unable to attend.

CO-ORDINATOR ROLE

The Co-ordinator, Kevin Latimer, is appointed pursuant to Order-in-Council dated December 4, 2018 (attached as Appendix “C”). The Co-ordinator is the Chair of the Co-ordinating Committee with all the powers of a Commissioner appointed pursuant to the *Public Inquiries Act*. The Co-ordinator’s role is to oversee and facilitate the consolidation process in concert with the Co-ordinating Committee, while working with the Department of Municipal Affairs’ representatives to ensure the timely and orderly establishment of the Regional Municipality. The various duties and responsibilities of the Co-ordinator are more particularly described in the Act.

CO-ORDINATING COMMITTEE MEETINGS

- The Committee shall meet as frequently as required at the call of the Chair to complete its mandate.

- The Committee shall meet at least once monthly with additional meetings scheduled as agreed by consensus of the Committee.
- Three members of the Committee, including the Co-ordinator and at least one member from each municipal unit, constitute a quorum of the Co-ordinating Committee.
- The Committee shall strive to make decisions by consensus, and where unable to achieve unanimity, may make decisions by majority vote.
- Meetings shall be open to the public, except where the Committee determines to meet in-camera pursuant to Section 22 of the *Municipal Government Act*.
- The Committee shall strive to alternate meetings between Windsor and West Hants.
- The CAO's shall attend to advise and assist in the functioning of the Committee but shall not be voting members. Additional staff, external consultants and advisors may attend and advise the Committee as required, under the direction of the Co-ordinator.
- While meetings of the Committee are held in public, the meetings are not public hearings.
- Where possible, regularly scheduled meetings of the Committee will be live streamed over the internet. The Committee will not respond to comments during the live stream; there is no obligation of the Committee to maintain these recordings; and the Committee is not responsible to resolve any technical difficulties that may impact the live stream during a meeting.

CO-ORDINATING COMMITTEE VOTING

All decisions of the Committee shall be determined by majority vote. The Co-ordinator may only vote on questions considered by the Committee in the case of a tie. Where the Committee is unable to decide any question concerning the design and implementation of the administrative structure of the Regional Municipality by majority vote, the Co-ordinator may determine the question, and the decision of the Co-ordinator is final and binding.

AGENDA, MINUTES AND RESOLUTIONS

Minutes and motions of the Committee shall be provided to each member of the Co-ordinating Committee within ten (10) business days after the conclusion of such meeting. The Co-ordinator will endeavour to provide each member of the Co-ordinating Committee with the agenda and required supporting documentation at least two (2) days prior to every meeting.

CONFLICT OF INTEREST

It is expected that all members of the Committee will adhere to the *Municipal Conflict of Interest Act*, disclosing any pecuniary or direct pecuniary interest in any matter before the Committee and refraining from taking part in, or trying to influence either before or after the meeting, any directions or decisions respecting such matters. A breach of this guideline may require the Co-ordinator to request the Minister to remove the member and appoint another member in their stead.

RESOURCES & BUDGET

- The Committee shall have access to the resources necessary to make decisions and complete its mandate in a timely manner.
- The Co-ordinator shall present a Workplan for approval of the Co-ordinating Committee. The Workplan will guide the Committee in its use of project resources.
- The Co-ordinator, supported by the CAO's, shall present a budget to the Committee for approval. The budget will support the execution of the Committee's Workplan.
- The Co-ordinator will provide a budget update/report to the Committee and Minister on a quarterly basis.
- The CAO's shall provide primary assistance to the Committee and may direct additional staff resources to assist as required.
- The Committee acting through the Co-ordinator may secure serviced of such additional staff and advisor(s) as it deems necessary to fulfill its mandate on a timely and cost-effective basis.

REPORTING

- Communications and reporting from the Committee shall come principally from the Co-ordinator or his designate from time to time.
- The Committee shall provide a concise progress update to the Minister and the respective Councils no less than once every thirty (30) days.
- The Committee shall provide a concise information bulletin on Workplan progress and pending activities for public awareness at least once every thirty (30) days.
- The Committee shall report to the Minister of Municipal Affairs through the office of the Deputy Minister.
- Members of the Committee shall keep their respective Councils apprised of the progress of the Committee;

OTHER

The Committee will review the Terms of Reference periodically for changes or amendments it may deem necessary from time to time.

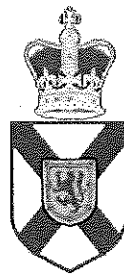
January 31, 2019

SCHEDULE "A"



BILL NO. 55

(as introduced)



*2nd Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

Government Bill

Region of Windsor and West Hants Municipality Act

The Honourable Chuck Porter
Minister of Municipal Affairs

First Reading: September 25, 2018

Second Reading: September 27, 2018

Third Reading: October 9, 2018 (LINK TO BILL AS PASSED)

An Act to Incorporate the Region of Windsor and West Hants Municipality

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Region of Windsor and West Hants Municipality Act.

2 In this Act,

- (a) "Chief Administrative Officer" means the Chief Administrative Officer of the Regional Municipality appointed under Section 8;
- (b) "Co-ordinating Committee" means the Co-ordinating Committee established under Section 5;
- (c) "Co-ordinator" means the Co-ordinator of the Regional Municipality appointed under Section 4;
- (d) "Council" means the Council of the Regional Municipality;
- (e) "incorporation date" means April 1, 2020;
- (f) "Minister" means the Minister of Municipal Affairs;
- (g) "municipal government" means
 - (i) a municipal unit,
 - (ii) a service commission in the area of a municipal unit,
 - (iii) an authority, board, commission, corporation or other entity of a municipal unit, and
 - (iv) a joint authority, board, commission, committee or other entity involving a municipal unit;
- (h) "municipal unit" means Windsor or West Hants;
- (i) "Regional Municipality" means the Region of Windsor and West Hants Municipality;
- (j) "West Hants" means the Municipality of the District of West Hants;
- (k) "Windsor" means the Town of Windsor.

3 On and after April 1, 2020, the inhabitants of West Hants and Windsor are a body corporate under the name the Region of Windsor and West Hants Municipality.

4 (1) The Governor in Council shall appoint a person to be the Co-ordinator of the Regional Municipality for such term as the Governor in Council determines.

(2) The Co-ordinator has all the powers of a commissioner appointed pursuant to the Public Inquiries Act.

5 (1) A Co-ordinating Committee is established consisting of the Mayor and Deputy Mayor of Windsor, the Warden and Deputy Warden of West Hants, and the Co-ordinator.

(2) Windsor and West Hants, by a motion of council, shall each designate an alternate to attend meetings of the Co-ordinating Committee where a member of the Co-ordinating Committee from that municipal unit is unable to attend.

(3) The Co-ordinator is the Chair of the Co-ordinating Committee and may only vote on questions considered by the Committee in the case of a tie.

(4) Three members of the Co-ordinating Committee, including the Co-ordinator and at least one member from each municipal unit, constitute a quorum of the Co-ordinating Committee.

(5) All decisions of the Co-ordinating Committee shall be determined by majority vote.

6 (1) The Co-ordinating Committee is responsible for designing and implementing the administrative structure of the Regional Municipality.

(2) Where the Co-ordinating Committee is unable to decide any question concerning the design and implementation of the administrative structure of the Regional Municipality by majority vote, the Co-ordinator may determine the question, and the decision of the Co-ordinator is final and binding.

7 (1) The Co-ordinating Committee has all the powers of the Council of the Regional Municipality and of its police advisory board until the Council first takes office pursuant to this Act.

(2) The Co-ordinating Committee may contract and be contracted with, sue and be sued, acquire real and personal property, engage officers and employees, prescribe a seal and do such things and make such expenditures as are required for the orderly establishment of the Regional Municipality.

(3) All acts of the Co-ordinating Committee have, upon the incorporation of the Regional Municipality, full force and effect, and are and are deemed to have been exercised by the Regional Municipality.

(4) The officers and employees of a municipal government shall render assistance and furnish all information and perform all acts as requested by the Co-ordinating Committee.

8 (1) The Co-ordinating Committee shall appoint a Chief Administrative Officer of the Regional Municipality by January 1, 2020.

(2) The Chief Administrative Officer, in consultation with the Co-ordinator, shall appoint the heads of the departments of the Regional Municipality.

(3) The Council shall ratify the appointment of the Chief Administrative Officer as soon as practicable after the incorporation of the Regional Municipality.

9 (1) The Chief Administrative Officer, in consultation with the heads of departments, shall employ all other employees of the Regional Municipality, effective on the

incorporation date, or such earlier date as the Chief Administrative Officer deems expedient.

(2) Preference in employment by the Regional Municipality shall be given to an employee of a municipal government where that employee meets the basic requirements for a position.

(3) On or before the incorporation date, the Co-ordinating Committee shall establish a pension plan or a successor pension plan in accordance with the Pension Benefits Act to replace any pension plan established by a municipal government.

10 (1) The Co-ordinator shall apply to the Nova Scotia Utility and Review Board for a determination of, and the Board shall determine, the number of councillors and the boundaries of the polling districts in the Regional Municipality.

(2) Notwithstanding the Municipal Elections Act,

(a) ordinary polling day for the first election of the Mayor and councillors of the Regional Municipality must be held on the first Saturday in March 2020;

(b) no election shall be held for Mayor and councillors of the Regional Municipality in October 2020; and

(c) the term of office of the members of the council elected in 2020 ends at the first meeting of the Council after the municipal election in 2024.

(3) Elections after the first election shall be held in the year 2024 and thereafter in accordance with the Municipal Elections Act.

(4) A nomination for the first election of the Mayor and councillors of the Regional Municipality must be filed at the office of the returning officer by February 12, 2020.

(5) For the purpose of the first election, the Co-ordinator may abridge any time period contained in the Municipal Elections Act.

(6) The Co-ordinator shall, with the assistance of employees of the municipal governments, provide for the first election of the Mayor and councillors of the Regional Municipality.

(7) Notwithstanding clause 18(1)(c) of the Municipal Elections Act, a member of the council of Windsor or West Hants is eligible to be elected to the Council.

(8) Qualifications for nomination as a member of the Council shall be determined as if the municipal units had been merged into the Regional Municipality six months prior to nomination day.

(9) The Council takes office on the incorporation date.

11 (1) Upon the new Council taking office, the new Council shall choose a new name for the Regional Municipality and submit the chosen name to the Governor in Council.

(2) Where the new Council submits a name for the Regional Municipality under subsection (1), the Governor in Council may, by proclamation, change the name of the Regional Municipality to that name.

12 Before the incorporation date, a municipal government shall not

(a) replace an employee who retires, resigns, is laid off or is dismissed, convert an employee from part-time to full-time status or promote an employee or hire a new employee, except in the case of term appointments that will expire before the incorporation date;

(b) enter into any lease, contract or other commitment that has effect after, or a term extending beyond, March 31, 2020;

(c) dispose of a capital asset;

(d) provide early retirement, pre-retirement, termination or severance benefits for any employee, except as required by the terms of an employment contract; or

(e) expend any funds from an operating or capital reserve fund, and after the incorporation date the council shall apply any reserve funds of a municipal government for the benefit of the residents of the area of the former municipal government,

except as authorized by the Co-ordinating Committee.

13 (1) The Regional Municipality may provide early retirement, pre-retirement, termination or severance benefits for any employee of a municipal government who is not employed by the Regional Municipality because of the consolidation of the municipal units.

(2) An early retirement program may be limited to the incumbents of positions that the Chief Administrative Officer considers to be unnecessary for the Regional Municipality.

(3) The cost of severance benefits provided by the Regional Municipality shall be borne by the Regional Municipality and not be charged to the municipal government that formerly employed the employee, and the sums required may be borrowed by the Regional Municipality and must be repaid by the Regional Municipality in not more than 10 annual instalments, as determined by the Council.

14 The Minister may, by order, provide for anything necessary or incidental to the incorporation and effective government of the Regional Municipality.

15 (1) Upon the incorporation of the Regional Municipality, West Hants and Windsor, together with all service commissions in West Hants and Windsor, are dissolved, and the assets and liabilities of them are vested in the Regional Municipality.

(2) Upon the incorporation of the Regional Municipality, every authority, board, commission, corporation or other entity of a municipal government in the area to be incorporated as the Regional Municipality and every joint authority, board, commission, committee or other joint entity involving a municipal government in the area to be incorporated as a Regional Municipality is dissolved and their assets and liabilities are vested in the Regional Municipality.

(3) Subject to any collective agreement, upon the incorporation of the Regional Municipality, the Labour Standards Code governs the treatment of all employee benefits and entitlements.

(4) The vesting of an asset of a municipal government in the Regional Municipality does not void any policy of insurance with respect to the asset, including public liability policies, and the Regional Municipality is deemed to be the insured party for the purpose of any such policy.

(5) Nothing in this Act dissolves any authority, board, commission, committee or other entity that includes representatives of municipalities outside the Regional Municipality.

(6) The Regional Municipality shall continue to pay any pension or annuity being paid by a municipal government on the day preceding the incorporation date according to its terms.

(7) The Regional Municipality is a successor employer for the purpose of the Pension Benefits Act.

16 (1) In this Section, "employee" means an employee as defined in Section 2 of the Trade Union Act, excluding those described in subsection 2(2) of that Act.

(2) The Regional Municipality is a transferee for the purpose of Section 31 of the Trade Union Act and, for greater certainty,

(a) the Regional Municipality is bound by successor rights as determined pursuant to the Trade Union Act; and

(b) subject to the Trade Union Act, the Regional Municipality and the employees, who are covered by collective agreements, of a municipal government are bound by the collective agreements as if the Regional Municipality were a party to them.

(3) Where an employee of a municipal government is employed by the Regional Municipality, the period of employment and seniority of that employee with the municipal government at the time of the incorporation of the Regional Municipality is deemed to have been employment and seniority with the Regional Municipality and the continuity of employment and seniority is not broken.

(4) Where an employee of a municipal government is employed by the Regional Municipality in a position which becomes a bargaining unit position, the employee's right to employment in the position is not affected by whether that employee was previously employed pursuant to a collective agreement and the employee is deemed to have seniority credits with the Regional Municipality equal to the employee's service with that municipal government.

(5) No provision of a collective agreement with a municipal government that purports to favour the employees of one municipal government in obtaining employment with the Regional Municipality over those of another municipal government has any force or effect.

17 (1) A reference in an enactment, deed, will or other document to a municipal government is deemed to be a reference to the Regional Municipality.

(2) A reference in an enactment, deed, will or other document to the mayor or warden of a municipal unit is and is deemed to be a reference to the Mayor of the Regional Municipality.

(3) The by-laws, orders, policies and resolutions in force in a municipal government immediately prior to the incorporation of the Regional Municipality continue in force in the area over which that municipal government had jurisdiction to the extent that they are authorized by this or another Act, until amended or repealed by the Council.

18 (1) Clause 3(be) of Chapter 18 of the Acts of 1998, the Municipal Government Act, is repealed and the following clause substituted:

(be) "regional municipality" means a regional municipality established by or continued by an enactment and includes

- (i) the Cape Breton Regional Municipality,
- (ii) the Halifax Regional Municipality,
- (iii) the Region of Queens Municipality, and
- (iv) the Region of Windsor and West Hants Municipality,

and the area over which each of those bodies corporate has jurisdiction.

(2) Subclause 3(be)(iv) of Chapter 18 is amended by striking out "the Region of Windsor and West Hants Municipality" and substituting the name chosen by the Council under Section 9.

19 (1) Subsection 18(1) has effect on and after April 1, 2020.

(2) Subsection 18(2) comes into force on such day as the Governor in Council orders and declares by proclamation.

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SCHEDULE "B"

Guiding Principles for Transition Committee

The following guiding principles were developed at a joint council workshop between the Town of Windsor and the Municipality on October 29th, 2018.

The intent of these Guiding Principles is to provide our Windsor/West Hants Transition Committee with broad values to consider when making decisions concerning the consolidation of the two communities.

- 1. Boundaries:** When looking at boundaries, ensure equitable representation for both urban and rural communities for the new council. It is essential that the culture and identities of both the urban and rural communities are retained in the new consolidated community.
- 2. Taxation:** When developing a taxation model for the consolidated community, the existing tax system should serve as a base. Business as usual, services as usual. The electoral boundaries should not impact taxation.
- 3. Debt:** When addressing debt from the former communities, area rates should be used to ensure the repayment of the debt is paid in the spirit it was incurred. By way of example, if the debt was incurred for the benefit of the taxpayers in Windsor, the debt should be area rated to the tax payers of Windsor.
- 4. Administrative Structure:** When developing the blended administrative structure of the consolidated community, all efforts should be taken to ensure there is no job loss as a result of the consolidation. Any planned efficiencies should strive to be achieved through attrition and maintaining corporate knowledge should be prioritized.
- 5. Regional Service Strategy:** An overall strategy for regional service delivery and regional infrastructure prioritization should be informed by an inventory of existing assets.
- 6. Regional Planning:** Regional planning should be a priority for the consolidated community to ensure that the strengths of the urban and rural communities are being leveraged appropriately.
- 7. Public Engagement:** A Public Engagement Plan should focus on transparency and provide diverse ways to inform and engage the public and stakeholders.
- 8. Decisions:** All pertinent decisions should be reviewed with the lens of looking for economic development growth and opportunities.

SCHEDULE "C"



**Executive
Council**

Nova Scotia

*A certified copy of an Order in Council dated
December 4, 2018*

2018-328

The Governor in Council on the Report and Recommendation of the Minister of Municipal Affairs dated November 27, 2018, and pursuant to Section 4 of Chapter 26 of the Acts of 2018, *An Act to Incorporate the Region of Windsor and West Hants Municipality*, is pleased to appoint Kevin Latimer as the Coordinator for the consolidation of the Town of Windsor and the Municipality of the District of West Hants for a term expiring March 31, 2020.

Certified to be a true copy


.....
Laura Lee Langley
Clerk of the Executive Council

January 22, 2019

Mr. Bruce Kiley
Chief Clerk
Nova Scotia Utility and Review Board
1601 Lower Water Street, 3rd Floor
Halifax NS B3J 3S3

Dear Mr. Kiley:

RE: Region of Windsor and West Hants Municipality Act

I write in my capacity as Co-ordinator pursuant to the above-noted legislation. The Act requires the Co-ordinator to apply to the Nova Scotia Utility and Review Board for a determination of the number of councillors and the boundaries of the polling districts in the new Regional Municipality.

With regard to election timing, the Act stipulates that the first election of the Mayor and councillors of the Regional Municipality must be held on Saturday, March 7, 2020. With that date in mind, I write to request that the Board consider reserving hearing dates now (i.e. before the filing of a formal application) in order to allow sufficient time for rendering of a Board decision to establish the governance structure for the elections to be conducted in March 2020.

Municipal officials responsible for election readiness indicate that, ideally, knowing the council size and boundaries by August 31, 2019 would accord with the ordinary requirements of the *Municipal Elections Act*. As matters now stand, we anticipate making formal application to the Board pursuant to section 10(1) of the Act no later than May 17, 2019. With those dates in mind, we kindly request that the Board consider setting aside dates in the last two weeks of June (two days) to conduct the hearing – thereby allowing sufficient time for release of the Board’s decision before the end of August.

On behalf of the Co-ordinating Committee, we appreciate your consideration of this request. The Act does authorize the Co-ordinator to “abridge any time period contained in the *Municipal Elections Act* but, I’d very much prefer to manage the process in accordance with ordinary timelines if that can be achieved.

Kevin Latimer, Q.C. | Partner

Direct 902 491 4212 Main 902 421 6262 Fax 902 421 3130 Email klatimer@coxandpalmer.com

Purdy’s Wharf Tower I 1100-1959 Upper Water Street Halifax NS

Correspondence PO Box 2380 Central Halifax NS B3J 3E5

*10041500/00001/2904178/v1

January 22, 2019

Thank you and I look forward to hearing from you once you have chance to consider the request.

Yours very truly,

Kevin Latimer

DKL/as



Nova Scotia Utility and Review Board

Mailing address

PO Box 1692, Unit "M"
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January 24, 2019

klatimer@coxandpalmer.com

Kevin Latimer, Q.C.
Cox and Palmer
Purdy's Wharf Tower 1
1100-1959 Upper Water Street
Halifax, NS B3J 3E5

Dear Mr. Latimer:

Region of Windsor and West Hants Municipality Act – Application to determine number of councillors and polling district boundaries

The Board acknowledges receipt of your letter dated January 22, 2019, with respect to the process for the determination of the number of councillors and the boundaries of the polling districts for the new Regional Municipality.

This matter was considered by Roland A. Deveau, Q.C., Vice Chair.

The Board notes that the *Region of Windsor and West Hants Municipality Act*, S.N.S. 2018, c. 26 (*Act*), provides that the new Regional Municipality is to be effective April 1, 2020. The ordinary polling day for the first election of the Mayor and councillors is set under the *Act* as Saturday, March 7, 2020, with nominations to be filed with the returning officer by February 12, 2020. The Board infers that the remaining election timeline would be determined in accordance with the *Municipal Elections Act*, and the *Act* provides that the Co-ordinator may abridge any time period contained in the *Municipal Elections Act*.

Your letter advises that municipal officials responsible for election readiness have indicated that knowing the council size and polling district boundaries by August 31, 2019, would accord with the requirements of the *Municipal Elections Act*.

As stated in your letter, it is anticipated that a formal application will be made to the Board by May 17, 2019, under s. 10(1) of the *Act*, requesting the determination of the number of councillors and the boundaries of the polling districts for the new Regional Municipality. The Board confirms that such applications are considered under s. 368 of the *Municipal Government Act*, S.N.S. 1998, c.18. With respect to filing requirements, reference should be made to ss. 29-31 of the Board's *Municipal Government Act Rules*, which would apply as the context requires.

The Board is mindful of the mandated timeline for the conduct of the first election under the *Region of Windsor and West Hants Municipality Act*. It intends to cooperate with you as Co-ordinator, and all interested persons, to implement a fair and efficient hearing process leading to the issuance of its Decision in accordance with a timeline that respects the direction in the *Act*.

To that end, the Board will reserve June 24 and 25, 2019, for the conduct of its hearing into the matter. Further, it will schedule an evening session on each of those days, in two different locations in the region, for the receipt of comments by the public on the application. This process will lead to the issuance of the Board's Decision on the application by mid to late August 2019, at the latest.

Upon receipt of your application by May 17, 2019, the Board will immediately issue a Notice of Hearing setting out the hearing timeline, including deadlines for the filing of evidence, and for the filing of requests for standing by intervenors (if any), leading to the hearing dates scheduled on June 24 and 25, 2019.

If you have any questions relating to the above, please do not hesitate to contact the undersigned.

Yours very truly,


Bruce Kiley
Chief Clerk of the Board

c. Hon. Chuck Porter, Minister of Municipal Affairs

DRAFT WORKPLAN / WORKING NOTES
February 1, 2019 / Updated

I. REGIONAL GOVERNMENT FOR WINDSOR / WEST HANTS

(a) Governance

- Stantec engaged;
- Stantec report for Q2;
- Get to NSUARB / Q2;
- Kevin met with Board / discussed June hearing dates / decision by July/August;
- Sandy Hudson also good contact;
- In addition to Stantec review, CC arranging literature review / study by Professor Jamie Baxter at Dal Law School / brings additional perspective for Co-ordinating Committee and Board on creation of new “Regional Municipality” in NS;
- Literature review to augment Stantec study;
- Stantec report due February 15 / Baxter review due February 15;
- Reports considered by Co-ordinating Committee February 25;
- Develop a budget for 2019 – 2020 budget;
- Decide on “alternative voting” and how to prepare elector lists;
- Responsible: Shelleena / Rhonda;
 - Have them develop critical path / schedule re: 2020 election dates
- Now working with draft Project Schedule for election readiness;
- Studies / Stantec and Professor Baxter;
- Q1-Q4.

(b) Human Resources

- To determine new organization / structure;
- Need interim Project Administrator / support;
- Study / HR Analysis RFP issued / due February 21;
- Study / CAO executive search RFP issued;
- Q2-Q4.

(c) IT

- Consolidated / integrated plan to deal with IT;
- Will involve planning / timeline and pre-consolidation costs;
- ERP needs to be involved to integrate;
- Responsible: Matt Povah / Jeff Hanshaw;
- No study;
- Q2.

(d) Pension and Benefits Plans to Merge

- Two different programs;
- A significant issue / can be complicated;

- Examine what we have / how to address;
- Responsible: Carlee and Doug;
- Study needed / Q1;
- Q2-Q4.

(e) Union / Non-Union Issues

- Review contracts for any issues to be dealt with on consolidation;
- West Hants / 40+ employees / no union; Windsor / 50+ employees / CUPE / 8 public works;
- Responsible: Lou;
- Q2.

II. PROVISION OF SERVICES / INFRASTRUCTURE

(f) Policing

- Consolidate with RCMP;
- Windsor: direct / Ottawa / MPSA / contract with feds;
- West Hants: Justice / PPSA / falls under Province;
- Tax rates tied to policing costs;
- Study from Justice / Martin provides;
- Ministerial approval required / *Police Act*;
- Feds want everyone on PPSA;
- Get copies of contracts / commitments / terms / notice required?
- Negotiate cost / price?
- Corey Bushell / Staff Sergeant in West Hants / meeting in February with Co-ordinator?
- Cost \$2.6 million / West Hants / 30% of budget;
- \$1 million / Windsor;
- \$3.6 million combined;
- Responsible: Lou / Todd;
- Study?
- Q2-Q3.

(g) Fire Services

- Goal – regional fire service for April / 2020;
- How best to do it?
- Town / fire department / Fire Society owns some assets;
- West Hants – owns assets;
- What does regional fire service look like? / what's needed? / most cost effective?
- Next meeting with Fire Chiefs / in February;
- Will want to do fire service study;
- Standardize things like equipment, hoses, by-laws, finances, etc.;
- Responsible: Angela;
- Study / likely required / working on RFP;
- Q2.

(h) Planning Services

- Separate;
- Develop regional land use plan;
- New growth opportunities;
- Bill 177 / tax break for development / hotel / break on increase in assessment / economic development;
- Responsible: Madelyn;
- Q2 2019 / get it done.

(i) Water Utilities

- West Hants / three now / Hantsport / Falmouth / Three Mile Plains;
- Consolidating into one in 2019 / Board hearing March 27th / for new rates;
- Could impact rates;
- West Hants takes 10% / Windsor 35%;
- Monitor West Hants UARB approval / April
- Intention to maintain two utilities / new municipality will deal with going forward
- Responsible: Martin;
- No study / up to new Council
- Q4.

(j) Solid Waste

- Ultimately to be combined / consolidated;
- West Hants: RH Group / four more years;
- Windsor: Contractor / High Tide / collects and delivers / organics to Colchester;
- Get copies of contracts / commitments / terms / notice required?
- Ideally Town organics go to West Hants;
- Extend / continue Windsor contract to align with West Hants contract termination;
- Responsible: Lou / Martin;
- No study
- Q3.

(k) Waste Water / Sewer

- Same as water / West Hants merging three sewers / April 2019;
- Hantsport / Falmouth / Three Mile Plains;
- Responsible: Martin;
- No study;
- Q2.

(l) Street lighting

- Windsor / lease from NSPI / in general rate;
- West Hants - area rated / unique to area;
- Identify location(s) / rated service / potential future costs?
- Hantsport / area rated;
- Responsible: Doug / Carlee;

- No study;
- Q2.

(m) Transportation / Roads, Streets and Sidewalks

- WH / TIR-map / let's get it;
- Windsor Municipal Services map / get it / Ron?
- Sidewalks – area rates;
- DMA to review / TIR – Q1;
 - (i) RFP
 - (ii) Gather information re condition of assets;
 - (iii) Assessment / condition of assets;
 - (iv) Financing / what's covered by Province/ other?
 - (v) Who pays.
- OPUS report?
- Responsible: Todd / Brad / Ahmad;
- Study / draft of Asset Management RFP in January;
- Q1/Q3.

(n) Parks and Recreation / Social Impact

- Dealt with through Asset Management and intended public engagement;
- Map out a plan / timelines and pre-consolidation costs;
- What do we have / bookings, etc.;
- Responsible: Kathy Kehoe / Vanessa Roberts;
- No study;
- Q1/Q3.

III. **FINANCIAL**

(o) Financial / Tax Impacts

- Revenue / tax structure;
- What's the effect of consolidation on the tax rates / area rates?
- Get ahead of this curve;
- Ron meets with Lou and Martin / do financial modeling / use NSUARB model;
- Responsible: Ron / Martin / Lou;
- Bring forward "prototype" for our February meeting (based on work in Pictou);
- No study;
- Q1.

(p) Equalization

- Intention to maintain status quo;
- Maintain Windsor equalization payment / until funding formula revamped;
- Funding Agreement / Province working on it;
- Windsor gets \$400,000 ±;
- Q1-Q2.

(q) Financial Consolidation / Internal

- Planning out how to deal with finance;
- Policies / software / methods;
- Two departments to work together so come April 1, 2020 – all on same page;
- April / May – payroll / vendors / etc.;
- Responsible: Doug and Carlee;
- Q2-Q4.

(r) Financial Oversight / Controls for Co-ordinating Committee

- Get draft Funding Agreement / pending;
- See Hantsport model;
- Materials from Kathy Cox-Brown;
- Responsible: Kevin / CAO's / Doug;
- Q1.

IV. ADMINISTRATIVE / ADMINISTRATION

(s) Contracts / Existing Municipal Contracts

- Develop a list / inventory of existing contracts and service providers;
- Identify situations where notice may need to be given and/or redundancy can be avoided after April 2020;
- Get a handle on existing arrangements (i.e. banking, accounting, legal, etc.);
- Responsible: Clerks;
- Q2.

(t) Boards and Commissions

- See Bill 55 provisions;
- Have Clerks prepare lists / inventory of existing entities / who are the parties?
- Review lists re dissolution impact / notices required / new appointments / etc.
- No study;
- Responsible: Rhonda / Shelleena;
- Q2.

(u) Property / Transfer of Lands

- Prepare an inventory / what does each unit have?
- May be maps to show municipal owned property / develop plan for integration on consolidation;
- Note: Any existing leases too?
- Responsible: CAO's;
- Q1.

(v) Council Policies / By-laws

- Do inventory / prepare a list;
- Many items on website;
- What stays? / What goes? / What can wait for new entity?
- Responsible: Rhonda / Shelleena;
- Q2.

(w) Deed Transfer Tax

- No impact;
- Both at 1.5%.

V. **MAKING THE CHANGE**

(x) Public Engagement

- Communicate / explain what's happening;
- Help "vision" / the new Regional Municipality;
- Engage public on building the new Regional Municipality – education component / generating interest in it / enthusiasm for it;
- West Hants approval of "happy community" project;
- Think about what program of "public engagement" would entail / look like;
- Think about timing and how to roll it out;
- Study: Communication RFP pending / plus Interim Support position advertised;
- Hiring interim communications support / four – six week term;
- Q2 / Q3.

(y) University Outreach / Residual Value

- Value in developing it;
- Utilize university / government resources where available;
- Kevin made contact with Dalhousie / Matt Hebb / to organize introductory meeting;
- Three potential areas:
 - (i) Literature review of historical studies;
 - (ii) Review of actual amalgamations / dissolutions / etc.
 - (iii) Benchmarking results / outcomes.
- Responsible: Kevin / Shannon;
- Good meeting with Matt Hebb / Dalhousie University forces;
- To exchange short lists of potential action items this week;
- Q1.

To:	Kevin Latimer, Chair Coordinating Committee	From:	John Heseltine, LPP MCIP Stantec Consulting Ltd.
File:	133348325 - Windsor West Hants Boundaries	Date:	February 4, 2019

Reference: Windsor-West Hants Governance Study – Consultation Week 1

Stantec conducted three public consultation sessions on January 29 in Avondale, January 30 in Brooklyn, and January 31 in Vaughan. The sessions were reasonably attended in relation to the size of each community with 6 residents present in Avondale, 37 in Brooklyn, and 9 in Vaughan (excluding the consultant, municipal staff and council members, and others present in a professional role at each session).

Discussion was healthy at all three sessions; however, participants at the first two focused on perceived issues with consultation and consolidation itself rather than council size concerns. A variety of individuals contended that the rural area is being marginalized by the consultation process, which they felt should include more meetings. Several noted the absence of a meeting in one of the communities on the shore to the northeast of Summerville, although the first meeting was in Avondale and a Phase 2 meeting is planned for Summerville. More broadly, participants argued that many rural residents did not have access to Internet service to respond to the online council size survey. They contended the survey should be mailed out to all residents, notwithstanding that hard copy questionnaires were made available at each meeting and can be obtained from either municipality. The Coordinating Committee has chosen to make hard copy questionnaires available through the municipal councillors to respond to this concern.

The third meeting, by contrast, focused on council size issues. While we announced the decision to distribute surveys during the presentation in Vaughan there was no indication prior to that point that attendees had the same concerns as participants in the Avondale and Brooklyn sessions.

Stantec collected a small number of completed hard copy surveys at each meeting and entered them online on behalf of the participants. We consider response to the survey to be good so far. As of this writing, 330 responses have been received. A significant proportion of initial respondents did not complete the survey but incompletes have been minimal since. At this point, 272 have responded to the council size question (82.4%). The distribution of respondents by community contradicts assertions that rural residents have been excluded. Responses have been received from 47 of 51 communities in the region. Currently, 14.5% of responses have come from the Town of Windsor, which is significantly less than the town's share of regional population (i.e., 20%). This imbalance may well be redressed following this week's upcoming meeting in the town.

Stantec Consulting Ltd.



John Heseltine
Senior Planner

Phone: 902 481 1477
John.Heseltine@stantec.com

Singer, Angie (Halifax)

From: Latimer, Kevin (Halifax)
Sent: January-21-19 11:02 AM
To: jamie.baxter@dal.ca
Cc: Laycock Martin (MLaycock@westhants.ca); Louis Coutinho (lcoutinho@town.windsor.ns.ca); Shannon Bennett (shannon.bennett@novascotia.ca)
Subject: Region of Windsor/West Hants - Governance/Literature Review
Attachments: RFPWHPL18-03.pdf; 01-10-2019 Governance Review Schedule from presentation tom CC.DOCX; NSUARB-#223002-v1-Decision_-_Cape_Breton_Regional_Municipality_October_2....pdf; NSUARB-#223005-v1-Decision_-_Cape_Breton_Regional_Municipality_December_....pdf; NSUARB-#223629-v1-1995_Decision_Region_of_Queens_(Coordinator).pdf; Blueprint for Unitary Government - February 21, 1995.pdf; EffectofMunicipalAmalgamationsinOntarioonPoliticalretrieved_2018-03-08.pdf

Professor Baxter, thanks for agreeing to assist on this project.

By way of brief background, at the request of the Councils of the Town of Windsor and the Municipality of the District of West Hants, the Province passed Bill 55 in October 2018 to consolidate the two municipalities effective April 1, 2020. The legislation calls for, among other things, an application to the NSUARB to determine Council size and polling districts for the new regional municipality.

The Coordinating Committee has retained Stantec Consulting (John Heseltine) to prepare an electoral boundary review report – seeking public input on the number and location of the electoral districts for the new municipality. Stantec's public consultations are scheduled to begin next week. An initial report from Stantec on Council size is expected by February 12th.

As you know, the Municipal Government Act (Part XVI) empowers the NSUARB to deal with Council size, polling districts, boundaries, etc. on the dissolution, amalgamation, and annexation of municipalities – and prescribes a standing review of polling districts for municipalities every 8 years. There's a substantial body of NSUARB decisions dealing with approaches to determining Council size and polling districts in these types of cases.

While the principles associated with effective representation from those cases clearly have application here, the task of determining an appropriate governance structure for the new municipality in our case is somewhat unique in that the special legislation (Bill 55) establishes the Region of Windsor and West Hants as a new “regional municipality” under the MGA. It will be the fourth (4th) regional municipality created by legislation in Nova Scotia (the prior three being HRM, CBRM and Queens).

With that in mind, the Coordinating Committee - in approaching the matter of Council size and polling districts for the new regional municipality in this case - feels it would be instructive to have (i) an understanding of approaches taken to determining those issues in previous similar Nova Scotia cases (and associated studies) and (ii) the benefit of current literature/perspectives on creating effective representation at the local government level.

Your review should be presented in a written report for consideration of the Coordinating Committee in mid-February – and ultimately may form part of the Committee's application to the NSUARB. In conducting the review you are free to consult with Mr. Heseltine concerning the scope and potential outcomes of his study (and how they relate to historical and modern approaches to design of effective local government in Nova Scotia).

By way of background, and to assist with your review, I'm providing copies of the following for your convenience:

- 1) Bill 55 https://nslegislature.ca/legc/bills/63rd_2nd/3rd_read/b055.htm
- 2) Coordinating Committee Governance Review RFP;

- 3) Stantec Governance Review Schedule;
- 4) NSUARB decisions from CBRM and Queens cases (will forward HRM decision once we retrieve it);
- 5) Sapp/Dobson 1995 Report from Queens consolidation;
- 6) Kushner/Siegel article on amalgamations in Ontario;

The above materials are intended simply as helpful background as you initiate your investigations. Please let me know if there's anything further we can provide (or attempt to secure at this point).

I hope and trust this provides you with sufficient direction to commence your review. I would be happy to discuss key focus areas and/or the form of your report in more detail once you have a chance to consider the mandate as outlined above.

Thank you.

Regards,
Kevin

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Dalhousie University
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AREAS OF EXPERTISE

PROPERTY & LAND USE
INSTITUTIONAL ANALYSIS
FOOD AND AGRICULTURAL LAW
ACCESS TO JUSTICE

EDUCATION

YALE LAW SCHOOL
Doctor of the Science of Laws
June 2013 – April 2018

YALE LAW SCHOOL
Master of Laws
September 2012 – May 2013

FACULTY OF LAW, UNIVERSITY OF TORONTO
Juris Doctor (Honours)
September 2007 – April 2010

DEPARTMENT OF ECONOMICS, MCMASTER UNIVERSITY
Master of Arts
September 2005 – August 2006

ARTS & SCIENCE PROGRAMME, MCMASTER UNIVERSITY
Bachelor of Arts & Science (Honours)
September 2001 – April 2005

EMPLOYMENT HISTORY

SCHULICH SCHOOL OF LAW, DALHOUSIE UNIVERSITY
Assistant Professor
July 2014 –

SCHULICH SCHOOL OF LAW, DALHOUSIE UNIVERSITY
Schulich Fellow
July 2013 – May 2014

FEDERAL COURT OF CANADA
Law Clerk
August 2011 – July 2012

DEPARTMENT OF FOOD, AGRICULTURE & RESOURCE ECONOMICS,
UNIVERSITY OF GUELPH
Lecturer
September 2010 – December 2010

EMPLOYMENT HISTORY (CONTINUED)

ZBOGAR ADVOCATE

Student at Law

July 2010 – August 2011

ENVIRONMENT AND LAND TRIBUNALS ONTARIO

Researcher

July 2010 – August 2011

ORKIN BARRISTERS

Summer Law Student

May 2009 – August 2009

FACULTY OF LAW, UNIVERSITY OF TORONTO

Borden Ladner Gervais LLP Research Fellow

May 2008 – August 2011

APPALACHIAN CENTER, UNIVERSITY OF KENTUCKY

Canada-U.S. Fulbright Scholar

September 2006 – May 2007

COURSES TAUGHT

SCHULICH SCHOOL OF LAW, DALHOUSIE UNIVERSITY

Property in its Historical Context

2013/14 –

Planning Law

2014/15 –

Legal Ethics and Professional Responsibility

2014/15 –

Dalhousie Law Journal Editorial Assistantship Course

2016 (Winter)

DEPARTMENT OF FOOD, AGRICULTURAL AND RESOURCE ECONOMICS, UNIVERSITY OF GUELPH

Land Economics

2010 (Fall)

“Recovering Farmland Commons” in Megan Bailey & Jessica Duncan, eds., *Sustainable Food Futures: Multidisciplinary Perspectives* (New York: Routledge, 2017)

“Access to Justice” in Woolley et al., eds., *Lawyers’ Ethics and Professional Regulation*, 3rd ed. (Markham: LexisNexis, 2017)

“The Ontario Civil Legal Needs Project: A Comparative Analysis of the 2009 Survey Data” in Michael Trebilcock, Tony Duggan and Lorne Sossin, eds., *Middle Income Access to Justice* (Toronto: University of Toronto Press, 2012) (with Michael Trebilcock & Albert Yoon)

COMMISSIONED REPORTS

The Geography of Civil Legal Services in Ontario: Report of the Mapping Phase of the Ontario Civil Legal Needs Project (Toronto: Law Society of Upper Canada, 2011) (with Albert Yoon)

RESEARCH GRANTS

GRANTS AWARDED

SOCIAL SCIENCES AND HUMANITIES RESEARCH COUNCIL, INSIGHT DEVELOPMENT GRANT (\$68,000)
Farmland Commons: An Institutional Analysis
2016 – 2018

CANADIAN INSTITUTES FOR HEALTH RESEARCH, CAFÉ SCIENTIFIQUE GRANT (\$3,000)
Access to Justice and Health
2012

CANADA-U.S. FULBRIGHT FELLOWSHIP (\$15,000)
Heirs Property in Appalachian Kentucky
2006 – 2007

GRANT APPLICATIONS - NOT AWARDED (INVITED CO-APPLICANT)

CITY | FOOD | WORK: A New Urban Cohort to Monitor the Health Impact of Emerging Policy Action on Food. Nominated Principal Applicant: Catherine L. Mah. Co-Principal Applicants: Leah Cahill, Julie Brimblecombe, Kent Mullinx. Co-Applicants: Jamie Baxter, Alison Blay-Palmer, Chris Buse, Donald Cole, Brian Cook, Rebecca Hasdell, Irena Knezevic, Charles Levkoe, Brian Lo, Emma McMahon, Leia Minaker, Anna Peeters, Nathan Taylor, Emile Tompa, Michael Widener, Jason Wu, Yanqing Yi. Collaborators: Linda Best, Sara Kirk, Leticia Smillie. CIHR Institute of Public and Population Health Institute Community Support—Planning and Dissemination Grants, Building Healthy Cities. Requested: \$10,000. February 1, 2018 - January 31, 2019.

“Indigenous Land Rights and the Politics of Property” International Meeting on Law & Society, Mexico City, Mexico, June 22, 2017

“Governing Farmland Commons” Nova Scotia Institute of Agronomists Annual Meeting, Truro NS, April 26, 2017

“Knowledge Commons: Some Legal Groundwork for Open Science” Open Seas Symposium, Halifax, NS, March 20, 2017 [I]

“Governing Farmland Commons” The Future of Food Law in Canada, Halifax, November 3, 2016

“Regulating Uber for Innovation” Halifax Regional Municipality Legal Services, Halifax, October 28, 2015 [I]

“Indigenous Peoples and the Environment” Aboriginal Peoples and the Law: We are All Here to Stay, Canadian Institute for the Administration of Justice Annual Conference, Saskatoon, October 16, 2015 [I]

“Idle No More and Indigenous Land Rights”, Kwilmu'kw Maw-klusuaqn, Millbrook First Nation, October 5, 2015 [I]

“Legal Education and Ideas About Access to Justice” Panel, Canadian Association of Law Teacher, University of Ottawa, Ottawa, June 2, 2015

“Collective Actions: New Logics from the Digital Age of Property Transitions” Association of Law, Property and Society Annual Conference, University of Georgia, Athens GA, May 3, 2015

“The New Geography of Access to Justice in Canada: Implications for Legal Ethics” Canadian Association for Legal Ethics Annual Conference, University of Western Ontario Faculty of Law, London, October 24, 2014

“The New Politics of Property in Land”, Association of Law, Property and Society Annual Conference, University of British Columbia Faculty of Law, Vancouver, May 2, 2014

“The Geography of Access of Justice in Canada”, Access to Justice Committee, Law Society of Upper Canada, Toronto, January 8, 2014

“Some Skepticism About Bright-Line Rules”, Yale Law School 3rd Annual Doctoral Students Conference, New Haven, December 6, 2013

“Catastrophe and the Law”, Schulich School of Law Mini-Law Public Lecture Series, Halifax, Nova Scotia, November 20, 2013

“Implementing a Tribunal Excellence Framework: Comparative Lessons”, Canadian Council of Administrative Tribunals Annual Conference, Toronto, May 28, 2013 (Panel with Philip Bryden and Michael Gottheil)

“From Integrity Agency to Accountability Network”, Yale Law School Graduate Works in Progress Seminar, New Haven, April 25, 2013

“Farmland Succession and Sustainable Food Systems”, Food Law Colloquium, University of Maine Law School, Portland, Maine, February 23, 2013

Borden Ladner Gervais LLP Research Fellow, Faculty of Law, University of Toronto
2008

Laskin Prize in Constitutional Law, Faculty of Law, University of Toronto
2007

Canada-U.S. Fulbright Fellowship
2006-2007

PROFESSIONAL AND COMMUNITY SERVICE

PROFESSIONAL SERVICE WITHIN DALHOUSIE

Member, Research Committee, MacEachen Institute for Public Policy and Governance
2017 -

PROFESSIONAL & COMMUNITY SERVICE OUTSIDE DALHOUSIE

Scientific Committee Member, Food Law Innovations: 3rd Annual Canadian Food Law & Policy Conference,
Laval University, Quebec City
2018

Board Member, Ecology Action Centre
2017 -

Editorial Board Member, Journal of Rural Social Sciences
2016 -

Expert Advisor, Membertou First Nation Internal Watercourses Working Group
2017 -

Steering Committee Member, Halifax Food Policy Alliance
2016 -

Peer Reviewer

Queen's Law Journal (2014); Canadian Bar Review (2015); Osgoode Hall Law Journal (2016); University of New Brunswick Law Journal (2016); Canadian Journal of Social Policy (2016); Dalhousie Law Journal (2016); Indigenous Law Journal (2017); University of Ottawa Press (2017); Queen's Law Journal (2017); University of British Columbia Law Review (2017); Canadian Food Studies (2018); Canadian Journal of Law and Society (2018); Ottawa Law Review (2018)

Invited Expert, Agriculture and Agri-Food Canada Eastern Canada First Nation Outreach Session, Montreal
June 1, 2017

Invited Participant, Advisory Panel for Canada's Science Review Roundtable, Halifax
October 17, 2016

External Assessor, Social Sciences and Humanities Research Council Insight Grants Program
2015; 2016



CO-ORDINATING COMMITTEE OF THE REGION OF WINDSOR AND WEST HANT MUNICIPALITY

RECOMMENDATION REPORT

To: Members of the Co-ordinating Committee

Submitted by: _____
Kevin Latimer, Co-ordinator

Meeting Date: February 04, 2019

Subject: Request for Proposals (Asset Management RFP and Communications RFP) and Studies

Origin:

Direction provided by Co-ordinating Committee December 13, 2018 to proceed with RFPs for Asset Management and Communications.

Legislative Authority:

Region of Windsor and West Hants Municipality Act, Section 7 (2)

Recommendation:

It is recommended that the Co-ordinating Committee approve the posting of the RFPs for Asset Management Services and for Communication Services.

Background:

Staff of Windsor and West Hants have been actively engaged in providing input into the RFPs particularly the Asset Management and Communications RFP. These are being vetted by DMA so that all parties are in agreement.

Discussion:

RFP Asset Management:

The RFP for Asset Management has been divided into two parts.

- The first part to perform all activities associated with the identification, registration, analysis and recommendation of all infrastructure and assets owned or operated by the Regional Municipality.
- The second part is in establishing an asset management roadmap on the assets owned and operated by the Regional Municipality, which includes passive assets (buildings and infrastructure), static assets (land), and active assets (mechanical, electrical, electronic, mobile plant, office equipment, software, etc).

- The current state will be measured against where the new Regional Municipality should strive to be as an organization and how to achieve the desired end result – presented and depicted in a roadmap complete with actionable items and engrain a culture that the Regional Municipality can support and commit to Asset Management.
- DMA has reviewed the document and has provided some input
- The staff of both Windsor and West Hants have also closely reviewed the RFP scope
- For the Committee’s information, a separate Fire Asset Study will be undertaken and is currently well underway.

RFP Communications Service:

The RFP for Communications is also complete and will be posted shortly.

- The primary goal of this RFP is to ensure that residents from both municipal units are engaged, informed and educated about the consolidation process and to gather input to identify and address transition issues.
- In order for the consolidation to be understood and accepted, information about the process, associated changes, and why they are happening is critical. All materials created and disseminated must not only explain what the process is and why the changes are happening, but also how residents can get involved. It is critical to the integrity of the consolidation process that this messaging is delivered appropriately, and that awareness of the consolidation is high.
- To ensure the effective and efficient delivery of complex messaging, the Co-ordination Committee is looking to collaborate with a dedicated team of experienced communications professionals throughout the entire campaign execution.
- The scope of the project includes, design, development, and execution of the comprehensive communication strategy for the consolidation process, including budget and timelines.
- In the interim, The PR Hive company has been retained for approximately six weeks to assist with communications and public engagement efforts.

Financial Implications:

Funding for the Asset Management and Communication services has been budgeted for and will be drawn from the transition funding approved by the Co-ordinating Committee.

Policy Implications:

The process is in keeping with the legislative authority given to the Co-ordinating Committee

Report Prepared by:

 Louis Coutinho, CAO Town of Windsor

Report Reviewed by:

 Carlee Rochon, Acting CAO Municipality of the District of West Hants



CO-ORDINATING COMMITTEE OF THE REGION OF WINDSOR AND WEST HANTS MUNICIPALITY

RECOMMENDATION REPORT

To: Members of the Co-ordinating Committee

Submitted by: _____
Kevin Latimer, Co-ordinator

Meeting Date: February 04, 2019

Subject: Commercial Development Districts in Windsor and West Hants

Origin:

- By-Law # 44 approved by Windsor Town Council on 23 October 2018
- By-Law # C-003 approved by West Hants Municipal Council on 08 January 2019
- DMA has advised the Municipalities that the Co-ordinating Committee must approve both by-laws before the Department can request Ministerial approval as the by-laws relate to financial commitments that extend beyond March 31, 2020

Legislative Authority:

- Region of Windsor and West Hants Municipality Act, Section 12 (b) which in essence states that municipalities are not to get into agreements that impact the new regional government beyond March 31, 2020.
- The Municipal Government Act, Sections 71C and 71D allows municipalities to permit the phasing-in, over a specified period of up to 10 years, of an increase to the taxable assessed value of certain commercial properties located within a commercial development district (CDD) and will allow the municipality to provide a partial rebate on taxes paid by the owner during the phase-in period.

Recommendation:

It is recommended that the Co-ordinating Committee approve the establishment of Commercial Development Districts in Windsor and West Hants as previously approved by both Councils.

Background:

In 2016 the Municipal Government Act was amended through the introduction of Bill 177. The purpose of the Bill is to:

- authorize municipal councils to provide for the phasing-in, over a period of up to 10 years, of an increase to the taxable assessed value of certain commercial or contaminated properties located in a commercial development district (CDD)
- establish a by-law to provide for the refund of taxes paid as a result of the phasing-in; and,
- require that the municipal planning strategy include amendments to policy respecting the eligibility criteria for the establishment of a commercial development district.

Following diligent processes as outlined in the MGA for establishing such zones and as described in Bill 177, each Council gave approval for amendments to its respective Municipal Planning Strategy (MPS) to incorporate a CDD and then it was sent to the Province for review. Subsequently, First Reading and Second Reading were then given to establish the Commercial Development District Improvement By-laws by each Council for their respective by-laws. These by-laws were submitted to the Minister's Office for approval.

Discussion:

Councils in each municipal unit have identified brownfields, Windsor downtown, Hantsport downtown, commercial areas within Growth Centres, and waterfront revitalization as priorities. These by-laws adopted by Windsor and West Hants, enabled by Bill 177, provide the ability to create a financial incentive for commercially assessed property owners to consider renovation or expansion, and rewards them over the short and medium term for investing in the commercial development districts without eroding the tax base.

Windsor and West Hants can now introduce progressive policies that are an inducement for property owners to fix their buildings and receive a tax break through a rebate program over a period of time. The end product is hopefully an economic renewal of the commercial areas including the Windsor and Hantsport downtown, Growth Centres and waterfront areas where properties with economic challenges can be developed or restored. A concern for many property owners, particularly those who have older and aging properties with commercial assessments, has been the increased assessment once they make improvements to their properties. Empty storefronts and dilapidated properties in Windsor, Hantsport and the Growth Centres have been an issue. The CDD will now offer property owners the advantage of a phased-in agreement that reduces the tax they will pay for ten (10) years following the improvement appearing on their assessment.

Economic restructuring is necessary to help strengthen existing businesses, recruit new businesses to our region, and, hopefully spur the retail and service community.

Policy Implications:

Amendments have been made to the MPS for each municipality following the usual public process. These changes have enabled the introduction of the by-laws to allow for the phase-in assessment agreements to be developed with property owners who wish to participate in the program. Ministerial approval is anticipated for both by-laws.

This initiative addresses the desire of residents expressed in the Windsor Integrated Community Sustainability Plan (ICSP) for a vibrant downtown and waterfront and it has been among the top three priorities of successive Windsor Councils and is among the strategic priorities for Windsor Town Council. Through policies in the MPS, West Hants Council has identified revitalization of commercial and industrial areas within Hantsport and the Growth Centres as a goal.

It should also be noted that all applications for participation in the program will also require the approval of the Co-ordinating Committee.

The approval from the Co-ordinating Committee is in keeping with the requirements through legislative authority given to the Co-ordinating Committee.

Financial Implications:

No impacts on current taxation or revenue streams are expected. The tax rebate to property owners and the increased economic development activity and business openings in the downtowns and region will be a net gain for everyone and a long term benefit in increased revenues for the new Regional Municipality.

Report Prepared by:

Louis Coutinho, CAO Town of Windsor

Report Reviewed by:

Carlee Rochon, Acting CAO Municipality of the District of West Hants