



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 15.1.12
Halifax Regional Council
August 22, 2023

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Cathie O'Toole, Chief Administrative Officer

DATE: August 1, 2023

SUBJECT: **LWF Ratepayers Association 3rd Party Contribution Agreement Approval**

ORIGIN

Staff initiated report.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, 2008 SNS c 39:

96 (1) The Council may spend money in an area, or for the benefit of an area, for any purpose for which the Municipality may expend funds or borrow.

(2) The Council may recover annually from the area the amount required or as much of that sum as the Council considers advisable to collect in any one fiscal year by an area rate of so much on the dollar on the assessed value of the taxable property or occupancy assessments in the area.

Administrative Order 2019-005-ADM, Respecting The Establishment And Use Of Community Area Rates In The Halifax Regional Municipality, section 32 and 33.

Approved Uses of Rate Funds

32. A rate administered under this Administrative Order shall be spent for the benefit of the area for which it is collected.

33.(1) Subject to section 32, rate funds may be used for...(h) grants where there is a contribution agreement in place between the community organization and a non profit organization to provide for items (a) through (g), provided that such an agreement is approved by Council, unless: (i) the amount of the grant to the non-profit organization is two thousand dollars or less; and (ii) the cumulative grants that have been provided to the non-profit organization in the current fiscal year is four thousand dollars or less, in which case no contribution agreement is required;

RECOMMENDATION

It is recommended that Halifax Regional Council approve the LWF Ratepayers Association 3rd Party Contribution Agreement, as set out in Attachment 1 of this report.

BACKGROUND

The LWF Ratepayers Association administers an area rate under the community area rates program in the Lakeview, Windsor Junction, and Fall River areas. As part of the LWF Ratepayers Association AGM on January 16, 2023, the association approved a grant in the amount of \$30,000 payable to the Lakeview Windsor Junction Fall River Firemans Association. There are 2,584 properties in this catchment area that contribute to the rate and the 2023/24 approved budget was \$259,700. The LWF Ratepayers Association business plan & budget for 2023/24 is provided in Attachment 2.

DISCUSSION

As set out by *Administrative Order 2019-005-ADM, Respecting The Establishment And Use Of Community Area Rates In The Halifax Regional Municipality*, section 33, a community area rate association may provide community grants where there is a 3rd party contribution agreement in place between the community organization and a non-profit organization, provided that such an agreement is approved by Regional Council, unless the amount of the grant to the non-profit organization is two thousand dollars or less; and the cumulative grants that have been provided to the non-profit organization in the current fiscal year is four thousand dollars or less, in which case no contribution agreement is required.

LWF Ratepayers Association has applied to make a grant of \$30,000 to the Lakeview Windsor Junction Fall River Firemans Association. They have provided a signed 3rd party contribution agreement between the two parties and now require Regional Council approval to complete the transaction. Along with the LWF Fire Dept, the Lakeview Windsor Junction Fall River Firemans Association owns the LWF Community Hall, both located at 843 Fall River Road. It was noted along with the signed contribution agreement that the grant would be used for: community events, community accessories; including signage, picnic tables, benches, and garbage cans, maintenance of recreation infrastructure, establishment and maintenance of seasonal recreation infrastructure such as outdoor skating rinks, and operation of small, local community centre; as allowed by *Administrative Order 2019-005-ADM, Respecting The Establishment And Use Of Community Area Rates In The Halifax Regional Municipality*.

FINANCIAL IMPLICATIONS

There are no financial implications resulting from the content in this report. The amount was budgeted for in the association's annual plan.

RISK CONSIDERATION

No risks identified.

COMMUNITY ENGAGEMENT

Public participation was offered at the LWF Ratepayers Association AGM on January 16, 2023.

ENVIRONMENTAL IMPLICATIONS

No environmental implications were identified.

ALTERNATIVES

Halifax Regional Council could choose to:

1. Refuse to approve the contribution agreement as set out in Attachment 1. This is not recommended.

ATTACHMENTS

Attachment 1 - LWF 3rd Party Contribution Agreement Signed 2023

Attachment 2 - LWFRA 2023-24 Community Area Rate Business Plan

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Daniel Freeman, Senior Financial Consultant, Finance & Asset Management,
902.399.8397

AREA RATE CONTRIBUTION AGREEMENT

BETWEEN:

L.W.F. RATEPAYERS ASSOCIATION
a society in the Province of Nova Scotia
(the "Association")

-and-

LWF FIREMEN'S ASSOCIATION
a non-profit organization in the Province of Nova Scotia
(the "Non-Profit")

WHEREAS the Association has received funds from the Halifax Regional Municipality (the "Municipality") that were collected as part of a community area rate or uniform charge.

AND WHEREAS the Association wishes to provide the non-profit organization with a grant of a portion of those funds.

AND WHEREAS the Association is required to enter into a contribution agreement with a non-profit organization to which it wishes to give a single grant of more than two thousand dollars, or cumulative grants to the same organization of more than four thousand dollars per fiscal year.

IN CONSIDERATION of the mutual conditions and covenants contained herein and the provision of other valuable consideration, receipt of which is acknowledged, the parties hereto agree as follows:

Term

- 1. This Agreement shall commence on the date that it is executed by the last Party to sign the Agreement and continue in force until *insert date* 2024-03-30

Payment

- 2. The amount of the grant is: \$ 30,000.00
- 3. The Association will provide payment of the grant to the Non-Profit as follows:
 - a. [date of payment and amount] 2023-05-30 30,000.00
 - b. [date of payment and amount]

Use of Grant

4. The Non-Profit shall use the grant for the purpose(s) listed below and no others, all of which shall be in accordance with section 33 of Administrative Order 2019-005-ADM, the Community Area Rates Administrative Order, a copy of which is attached hereto:

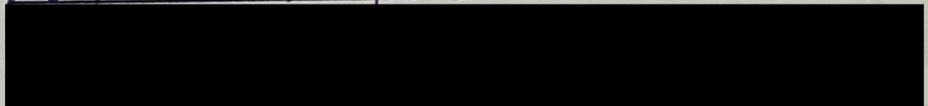
AS PER ATTACHED LAST PAGE UNDER
SEC 33 (1) ADMIN ORDER

General Provisions

5. All notices, demands, requests, approvals or other communication of any kind which a party hereto may be required or may desire to serve on the other party in connection with this Agreement shall be served personally or sent by registered mail. Any such notice or demand so served by registered mail shall be deposited in the Canadian mail with postage thereon fully prepaid, registered and addressed to the party so to be served as follows:

to the Association:

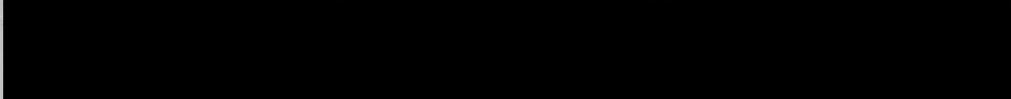
LWF RATEPAYERS ASSOC



[Address]

to the Non-Profit:

LWF FIREMEN ASSOC



[Address]

Except in the event of a postal service strike or lockout (in which event the parties hereto agree to temporarily utilize other reasonable methods of communicating any notices), service of any notice or demand so made by mail shall be deemed complete on the date of actual delivery as shown by the registry receipt or at the expiration of the seventh business day after the date of mailing, whichever is earlier in time. Either party may from time to time, by notice in writing served upon the other party as aforesaid, designate a different mailing address or different or additional persons to which all such notices or demands are thereafter to be addressed.

6. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement and this Agreement shall

be construed as if such invalid, illegal or unenforceable provision had never been contained herein and this Agreement shall be enforceable to the fullest extent permitted by law.

7. No consent or waiver, express or implied, by a party of any breach or default by the other party in the performance by such other party of its obligations hereunder shall be deemed or construed to be a consent or waiver of any other breach or default hereunder. Failure on the part of a party to complain of any act, or failure to act, on the part of the other party or to declare the other party in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights hereunder. Neither this Agreement nor any provision hereof may be amended, waived, modified or discharged except by an instrument in writing executed by the party against whom enforcement of such amendment, waiver, modification or discharge is sought.
8. Where the context so requires, words used in the singular shall include the plural and vice versa.
9. This Agreement shall be governed by and construed in accordance with the laws of Nova Scotia.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement through authorized representatives on the date stated opposite each respective Party's signature.

Area Rate Association

2023-05-05

Date

Per:

Chair (Name): JAY CAMERON

2023-05-05

Date

Per:

Member (Name):

JERRY DALLY
TREASURER

Non-Profit Organization

May 5th / 2023

Date

Per:

Name:

Nate Keenan

Title:

Vice chairperson

Community Area Rate Business Plan & Budget for 2023/24

Name of Association or Society:	LWF Ratepayers Association
Registry of Joint Stock Companies ID#:	3236227
Mailing Address of Association or Society:	[REDACTED]

	Primary Signing Authority	Secondary Signing Authority
Name & Title:	Jay Cameron Chair	Barry Dalrymple Treasurer
Phone number & Email:	[REDACTED]	[REDACTED]

Business Plan & Budget approved at Annual General Meeting held on:	2023-01-16
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Mission, Description of Services Provided, Accomplishments from Prior Year (include who the services are provided to and the purpose of the area rate)

<ul style="list-style-type: none"> - Continued funding of our three core community groups: Windsor Jct. Community Centre, Lakeview Homeowners Association and Keloose Community Celebration. - Continued delivery of recreational and social programs/services to all age groups in our communities. - Continued support and assistance in job creation and training opportunities for our youth. - Support various community programs such as swim lessons, first aid courses for youth and seniors, leadership programs etc. - Support local Community Hall and Scouts groups with improvement and upgrading of facilities. - Support our local community area groups and organizations rebound from two years of covid.
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What Goals Does Your Organization Plan to Accomplish in the fiscal year?

1.	Continued support to our three core community organizations
2.	Continued support of youth employment, training, and leadership programs
3.	Assist Lakeview Park, WJCC, and LWF Community Hall with improvements and repairs to structures
4.	Support our seniors in building and enhancing capacity and involvement in our communities
5.	Support increased signage and beautification throughout our communities

Area Rate Information

Amount of Area Rate:	\$228,600.00 (2022 disbursement)
Will the amount of the Area Rate change this fiscal year?	No
If yes, have the majority of homeowners at the AGM voted to approve the change?	N/A
Area subject to Area Rate:	Lakeview, Windsor Jct. and Fall River (LWF)
Do you anticipate a surplus or a deficit at the end of this fiscal year and how much?	Balanced budget, no surplus or deficit
Does the association have active status with the NS Registry of Joint Stocks?	Yes
Is the association proposing any new capital projects in the fiscal year?	No

Requirements for release of annual funds – In order for annual funding to be released an Association must provide HRM staff with a finalized business plan & budget document which has been approved through majority vote at an AGM or special meeting, a copy of the meeting minutes where the business plan & budget were approved, and a copy of the prior year financial statements. The association must have an active status with the Nova Scotia Registry of Joint Stocks and a signed contribution agreement between HRM and the association must also be in place.

Acceptable use of funds – (for a complete list please review clause 33 of [AO 2019-005-ADM](#))

- community events; accessories including signage, picnic tables, benches, and garbage cans; and community beautification and clean-up
- maintenance of recreation infrastructure
- recreation and leisure costs, including programming and equipment
- establishment and maintenance of seasonal recreation infrastructure
- operation of small, local community centres
- grants to non-profit organizations (subject to the rules and regulations as stated in section 33 (1) (h) of [AO 2019-005-ADM](#))
- construction or enhancement of
 - local recreational infrastructure on municipal land including parks, trails, sport fields, play lawns, playgrounds, landscaping, paths and trails, and related accessories
 - Consider the potential maintenance costs of these items
 - sidewalks outside of the Urban Area as established by Council

General information – If the association requests an increase to the area rate amount or a change to the catchment area to take effect the following fiscal year, it must be communicated clearly in writing to HRM staff by October of the current year at the latest.

- All owners of property subject to the rate shall be eligible for membership in the community organization
- All members of the community organization shall be entitled to vote
- Meetings of the community organization that relate to the rate shall be open to any member of the public

HRM Contact: Arearateinfo@halifax.ca

Link to Administrative Order: [Administrative Order 2019-005-ADM, Respecting the Establishment and Use of Community Area Rates in the Halifax Regional Municipality | Halifax.ca](#)

Itemized Budget for Fiscal Year

Description of Revenue Source	Amount (\$)
Area Rate Revenue to be collected from Property Tax bills:	228,600
Surplus or (deficit) carried forward from prior fiscal year:	28,414
Total Revenues (must equal total expenditures + capital):	\$257,014

Description of Planned Operating Expenditures	Amount (\$)
Wages/renovations (WJCC)	187,760
Wages (Lakeview Park)	18,000
Keloose Community Celebration/Festival	15,000
Computer Software/Licensing	1,000
Printing/Reproduction & Advertising	1,500
Office Supplies & Admin	740
Website	300
Professional Fees (Audit)	2,300
Insurance Policies	2,000
Community Events	28,414
Total Operating Expenses (operating + capital must equal total revenues):	\$257,014

Description of New or Existing Planned Capital/Infrastructure Projects	Amount (\$)
N/A	0
Total Capital/Infrastructure Exp. (operating + capital must equal total revenues):	\$257,014

Capital Project Information – the inclusion of a newly proposed capital project on this business plan, and its acceptance by HRM does **not** constitute immediate approval of the project. Business plans are not approved by Council. The approval for a proposed capital project will only happen once the following conditions have been met:

- A needs and suitability assessment is fully completed by Parks & Recreation or the appropriate business unit
- A maintenance plan has been considered in collaboration with the appropriate business unit
- Council has approved the project in the Municipality’s capital budget

Parks & Recreation must receive a new capital project proposal by late Spring at the latest, in order to have the required time to evaluate it before September when the capital budget proposal is prepared for the following fiscal year. It is recommended that a dollar figure not be assigned to a newly proposed capital project in the business plan until such time as it has been included in the capital budget; as the assessment may span multiple fiscal years and the project may end up being rejected.