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## Council Meeting

October 11, 2022

Time: 6:30pm

### AGENDA

1. **Call to Order**
2. **Approval of Previous Minutes**
3. **Approval of the Agenda**
4. **New Business:**
  - a. IMSA Interim Board – Appointment of Alternate *Discussion*
  - b. Kings Transit Authority TBR *Attached*
  - c. Ordinarily resident while outside of the municipality - Section 17 (6) of the Municipal Government Act – Approval from Council *Discussion*
5. **COTW Report to Council** *Attached*
6. **Mayor’s Report**
7. **In Camera – Personnel**
8. **Adjournment**

**Memo**

To: Town of Berwick  
From: Dwight Whynot - Kings Transit Authority  
Re: Municipal Participation in Kings Transit Authority Electrification Plan  
Date: October 11, 2022

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The Investing in Canada Infrastructure Program (ICIP) available to Kings Transit Authority (KTA), the following recommendations and motion are being recommended to access the \$8.76M in Federal and Provincial funds (when including the Municipal share totals \$11.95M). Funding sources are detailed in Table 1.

Table 1: Total Project Funding

<b>Project Funding Scope</b>			<b>\$ 11,950,000</b>
<b>ICIP Bi-lateral Agreement</b>			
Federal	40%		4,780,000
Provincial	1/3		3,983,333
			8,763,333
Municipal	4/15		3,186,667
			<b>\$ 11,950,000</b>

The recommendations contained in this memo are being provided to the Town of Berwick to address the November 15, 2022 deadline being imposed by the Province to access the \$8.76M in Federal and Provincial funds (Phase 2). The actual business planning (Phase 1) will take an additional 6-12 months to complete. Once the Phase 1 business plan is completed, the details of the implementation plan will be finalized and presented to the municipal units for approval.

For the municipal units to ensure the \$8.76M Federal and Provincial ICIP funding is received by Kings Transit Authority, the recommendations below require consideration. In summary, the following two motions should be considered by the Town of Berwick.

**For the Town of Berwick to:**

- Recommend that the Town of Berwick guarantee their share of the TBR (which will be dependent on the second motion)<sup>1</sup>.
- Recommend that the Town of Berwick commit to their share of the net municipal portion of the project (see below for the related tables and proposed motion).

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<sup>1</sup> The project will require temporary financing through a commercial lender. Temporary financing, known as a TBR, requires approval of the Provincial Minister of Municipal Affairs and Housing. TBRs are typically issued for the total value of the project, but rarely fully utilized. Once the project is complete, the temporary financing is replaced by long-term debt in the form of debenture financing. The TBR is within the purview of the Kings Transit Authority Board of Directors, but requires accompanying Guarantee Resolutions from those municipal units participating in the debenture issues. Debentures issued to a Municipal Corporation do not impact the borrowing capacity of the participating (guaranteeing) municipal units.

Table 2: Municipal Guarantee Allocations

<b>Parties</b>	<b>Guarantee</b>	<b>Percentage</b>
Kings	\$ 7,170,000	60%
Kentville	2,390,000	20%
Wolfville	1,792,500	15%
Berwick	597,500	5%
	\$ 11,950,000	100%

### Implications of Municipal Participation

The following table outlines participation of four municipal units. The base cost is the municipal units share of the project funding breakdown of the \$11.95 million. The reserve is the current capital reserve being held by Kings Transit Authority on behalf of the municipal partners and allocated based on contributions. The balance for funding is the net amount after the Kings Transit Authority Board approves the use of the capital reserve fund for this project. The share of financed cost is the total costs, principal and interest, for the duration of the 10 year life for equipment and 20 year life for the building.

Table 3: Participation by Four Municipal Units

<b>Allocation</b>				<b>Base cost</b>	<b>Less Reserve</b>	<b>Balance for Financing</b>	<b>Share of Financed Cost*</b>
Kings	54.9%	y		\$ 1,712,637	\$ (507,728)	\$ 1,204,909	\$ 1,884,344
Kentville	21.2%	y		662,289	(169,243)	493,046	771,069
Wolfville	16.6%	y		517,413	(126,932)	390,481	610,669
Berwick	7.3%	y		227,662	(42,311)	185,351	289,868
Annapolis	0.0%	n		-	-	-	-
Digby	0.0%	n		-	-	-	-
	100.0%			\$ 3,120,000	\$ (846,213)	\$ 2,273,787	\$ 3,555,950

\*Share of Financed Cost is proportional to the Municipal units financing requirements net of the use of capital reserves.

**KINGS TRANSIT AUTHORITY  
MUNICIPAL PARTY GUARANTEE RESOLUTION  
COUNCIL OF  
Town of Berwick**

Guarantee Share Amount: \$597,500

Purpose: Fleet Electrification and Related Infrastructure

**WHEREAS** the Kings Transit Authority (hereinafter referred to as the Authority) was incorporated on April 1, 1999 pursuant to Section 60 of the Municipal Government Act;

**WHEREAS** the Authority has determined to borrow the aggregate principal amount of Eleven Million Nine Hundred Fifty Thousand Dollars (\$11,950,000) for the purpose set out above;

**WHEREAS** the Authority has requested the Council of Town of Berwick, a municipality that executed the instrument of incorporation of the Authority, to guarantee said borrowing; and,

**WHEREAS** pursuant to Section 88 of the Municipal Government Act, no guarantee of a borrowing by a municipality shall have effect unless the Minister of Municipal Affairs and Housing has approved of the proposed borrowing or debenture and of the proposed guarantee;

**BE IT THEREFORE RESOLVED**

**THAT** the Council of the Town of Berwick does hereby approve the borrowing of the aggregate principal amount of Eleven Million Nine Hundred Fifty Thousand Dollars (\$11,950,000) for the purpose set out above;

**THAT** subject to the approval of the Minister of Municipal Affairs and Housing of the borrowing by the Authority and the approval of the Minister of Municipal Affairs and Housing of the guarantee, the Council unconditionally guarantee repayment of Five Hundred Ninety Seven Thousand Five Hundred Dollars (\$597,500) for the purpose set out above; and

**THAT** upon the issue of the debentures, the Mayor and Chief Administrative Officer of the Municipality do sign the guarantee attached to each of the debentures and affix thereto the corporate seal of the Municipality.

**THIS IS TO CERTIFY** that the foregoing is a true copy of a resolution read and duly passed at a meeting of the Council of the Town of Berwick held on the \_\_\_\_ day of \_\_\_\_\_, 2022.

**GIVEN** under the hands of the Clerk and under the seal of the Municipality this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Clerk

**KINGS TRANSIT AUTHORITY**

**TEMPORARY BORROWING RESOLUTION**

Amount: \$ 11,950,000.00

Purpose: Fleet Electrification and Related Infrastructure

**WHEREAS** the Kings Transit Authority (hereinafter referred to as the Authority) was incorporated on April 1, 1999 pursuant to Section 60 of the Municipal Government Act;

**WHEREAS** the Town of Berwick, the Town of Kentville, the Town of Wolfville, and the Municipality of the County of Kings entered into an inter-municipal services agreement pursuant to Section 60 of the Municipal Government Act;

**WHEREAS** the Authority pursuant to the inter-municipal agreement states that the body corporate shall be vested with the power to borrow money for the purpose of capital projects, including the paying or retiring of debentures;

**WHEREAS** any borrowing and/or entering into debt obligations of the municipal body corporate must be approved by the municipal units and the Municipal Guarantee percentages and amounts for each of the four municipal parties are attached at Schedule "A"; and,

**WHEREAS** pursuant to Section 88 of the Municipal Government Act no money shall be borrowed by a municipality, village, committee by an inter-municipal agreement or service commission pursuant to this Act or another Act of the Legislature until the proposed borrowing and associated municipal guarantees have been approved by the Minister of Municipal Affairs and Housing;

**BE IT THEREFORE RESOLVED**

**THAT** subject to the approval of the Minister of Municipal Affairs and Housing, the Authority borrow a sum or sums not to exceed Eleven Million Nine Hundred Fifty Thousand Dollars (\$11,950,000.00) for the purpose set out above;

**THAT** the sum be borrowed by the issue and sale of debentures of the Authority of an amount as the Authority deems necessary;

**THAT** the issue of debentures be postponed pursuant to Section 92 of the Municipal Government Act and that the Authority borrow from time to time a sum or sums not exceeding Eleven Million Nine Hundred Fifty Thousand Dollars (\$11,950,000.00) in total from any chartered bank or trust company doing business in Nova Scotia;

**THAT** the sum be borrowed for a period not exceeding Twelve (12) Months from the date of the approval of the Minister of Municipal Affairs and Housing of this resolution;

**THAT** the interest payable on the borrowing be paid at a rate to be agreed upon; and

**THAT** the amount borrowed be repaid from the proceeds of the debentures when sold.

**THIS IS TO CERTIFY** that the foregoing is a true copy of a resolution read and duly passed at a meeting of Kings Transit Authority held on the 5<sup>th</sup> day of October, 2022.

**GIVEN** under the hands of the Chair and the Secretary under the seal of the Authority this 5<sup>th</sup> day of October, 2022.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Secretary

**KINGS TRANSIT AUTHORITY**

**TEMPORARY BORROWING RESOLUTION**

Amount: \$ 11,950,000.00

Purpose: Fleet Electrification and Related Infrastructure

**SCHEDULE "A"**

**MUNICIPAL GUARANTEES**

<b>MUNICIPAL PARTY</b>	<b>GUARANTEE PERCENTAGE</b>	<b>GUARANTEE AMOUNT</b>
Town of Berwick	5%	597,500
Town of Kentville	20%	2,390,000
Town of Wolfville	15%	1,792,500
Municipality of the County of Kings	60%	7,170,000
Total Capital Requirements for Borrowing Resolution	<b>100%</b>	<b>11,950,000</b>

## **Guarantee of Kings Transit Temporary Borrowing Resolution**

Whereas the Kings Transit Authority has approved a Temporary Borrowing Resolution (TBR) in the amount of \$11,950,000 for the purpose of financing a Kings Transit Authority Electrification Plan; and

Whereas the Municipal Government Act requires TBRs made by municipal corporations to be guaranteed by the municipal owners of those corporations, and for such approved TBRs and associated guarantees to be submitted to the Minister of Municipal Affairs and Housing for consideration and final approval;

Be it therefore resolved that Town of Berwick Council guarantee its percentage share and amount (5% / \$597,500) and in the format included in the Council agenda package dated October 6, 2022.

### **Motion:**

**That Council guarantee its percentage share of 5% or \$597,500 of the Kings Transit Authority Temporary Borrowing Resolution in the format included in the Council agenda package dated October 11, 2022.**

**Commitment for Repayment of Net Municipal Share of \$11,950,000 Kings Transit Authority Electrification Plan**

Whereas the Kings Transit Authority (KTA) is listed by name in a federal / provincial bilateral transit agreement under the Investing in Canada Infrastructure Program; and

Whereas under the bilateral agreement the provincial and federal governments will cover ~\$8.76M of the \$11.95M Program leaving a municipal portion net of phase 1 study costs of ~\$3.12M; and

Whereas KTA retains a capital reserve in the amount of ~\$846k with said funds being derived from prior year contributions of the four municipal owners of KTA; and

Whereas the capital reserve when applied to the municipal portion of the Program reduces the municipal amount to be financed to \$2.27M;

Be it therefore resolved that the Town of Berwick hereby commits to financing its pro rata share of the ~\$2.27M municipal component in the amount of \$ 289,868 which is calculated at 8% of the total municipal share; and

Be it therefore further resolved that subsequent to receiving the Phase 1 business plan, for the Town of Berwick together with the other owners of KTA consider offering the option to either the Municipality of the County of Annapolis and/or the Municipality of the District of Digby for them to guarantee and commit repayment should they wish to participate at that point in time.

**Motions:**

**That Council approve its pro rata share of the approximate \$2.27M municipal component for Kings Transit Authority's Investing in Canada's Infrastructure Program application for the Electrification Project in the amount of \$289,868 which is calculated at 8% of the total municipal share.**

**That Council agree subsequent to receiving the Phase 1 business plan, the Town of Berwick together with the other owners of KTA consider offering the option to either the Municipality of the County of Annapolis and/or the Municipality of the District of Digby for them to guarantee and commit repayment should they wish to participate at that point in time.**



Subject: September, 2022 Committee of the Whole  
Recommendations

Date: October 4, 2022

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The following recommendation to Council is being forwarded from Committee of the Whole (September, 2022), for further discussion and action:

**THAT**

That Council approve the draft Asset Management Policy, as presented.

**THAT**

Council approve the draft Flexible Work Arrangement Policy, as presented.

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# Asset Management Policy

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<b>Department:</b>	General Government	<b>Policy No:</b>	
<b>Adopted:</b>			

## 1. PURPOSE

The Town of Berwick is committed to improving the long-term sustainability of our infrastructure. This asset management policy formalizes our commitment to asset management.

The principles in this policy will guide future decisions on services and infrastructure taking into consideration strategic plans, budgets, services levels and risks.

## 2. STRATEGIC ALIGNMENT

The principles in this asset management policy and our asset management planning will align with our Municipal Planning Strategy (MPS), **Land Use Bylaws (LUB)**, Integrated Community Sustainability Plan (ICSP), Accessibility Plan, Active Living Strategy, **Financial Policies**, and **any future plans approved by the Town of Berwick Town Council**.

## 3. SCOPE

This policy applies to assets owned and managed by the Town of Berwick and Berwick Electric Commission.

## 4. GUIDING PRINCIPLES:

### a. Service Delivery to Customers

Our Town will clearly define levels of service that balance community expectations and regulatory requirements with risk, affordability and available resources. The Town will carefully weigh the benefits and costs of increasing or decreasing levels of service before making investment decisions.

### b. Holistic Approach

Our Town will take an integrated and coordinated approach to decisions on infrastructure maximizing value to the community in a larger service delivery context, not just as an isolated asset.

- c. Long-term Sustainability and Resilience**  
Our municipality will consider socio-cultural, environmental and economic factors and implications when making and implementing asset management decisions.
- d. Fiscal Responsibility in Asset Management Decision-making**  
The Town will choose practices, interventions and operations that aim at reducing the lifecycle costs of asset ownership, while satisfying agreed levels of service. Decisions are based on balancing service levels, risks and affordability. Funding requirements and reserve policies will be integrated with asset management planning
- e. Continuous Improvement**  
Our Town recognizes the value of asset management planning in improving information for decision-making and commits to implementing asset management processes that support awareness and training for staff and council in accordance with their respective roles and responsibilities. As well, the Town is committed to progressing the asset management process, the integration of asset management systems and community engagement.

## **5. ROLES AND RESPONSIBILITIES:**

- a. Council** has overall responsibility on behalf of residents to provide services that the community needs and is willing to pay for. The Council is responsible to provide services at an appropriate cost while managing long-term risk.
- b. CAO** is responsible for leading the implementation of the AM Policy.
- c. Staff** involved in the application of asset management are responsible for observing the requirements of the AM policy.

## **6. IMPLEMENTATION AND REVIEW**

- a.** The Town will commit to annually reviewing and updating, where required, the tools and plan developed through the AIM Network Asset Management program, including but not limited to the:
  - i. Asset Management Policy
  - ii. Asset management roadmap
  - iii. Asset Register (inventory spreadsheet and GIS)
  - iv. Risk Assessment
  - v. Level of Service Report
  - vi. Five-year Capital Plan