

Town of Berwick Council Meeting

November 12, 2024

Town of Berwick Council Chambers

6:30 pm

AGENDA

1. Call to Order

2. Approval of the Agenda

3. Approval of the Minutes

- a. September 08, 2024

4. New Business

- a. RFD036-2024: Committees of Council Policy and Terms of Reference
- b. RFD037-2024: Committees of Council, Council Appointments
- c. RFD038-2024: Appointment of Audit Committee Member
- d. Live or Recorded Meetings Discussion
- e. Election of Deputy Mayor

5. Committee of the Whole Reports

a. DEPARTMENT REPORTS:

- i. Community Development
- ii. Public Works
- iii. Finance
- iv. CAO

b. COMMITTEE REPORTS:

- i. AREA

6. Mayor's Report

7. Review Identified Action Items

8. In-Camera

9. Adjournment

REQUEST FOR DECISION

RFD036-2024: Committees of Council Policy & Terms of Reference



To: Council
From: Administration
Date: ~~October 8, 2024~~ November 7, 2024
Subject: Committees of Council Policy and Terms of Reference

References/Attachments

- Draft Committees of Council Policy
- Terms of Reference:
 - Audit Committee
 - Planning Advisory Committee

Recommendation

That Council approve the Committee of Council Policy and attached Terms of Reference for the Audit Committee and Planning Advisory Committee as presented.

Background

The draft Committee of Council Policy was first presented to Council on October 8, 2024. Council discussed the proposed policy and requested the following amendments, highlighted in the attached policy document:

Citizen Membership: current members shall be granted a two-year term, ending November 2024, and all citizen member terms will be four years. There was also a timeline for filling vacant appointments added.

There was a lengthy discussion around setting term limits and staff requests clear direction on whether to remove the term limit.

Decision Making: The option for using the consensus method was added.

Other changes since October include: removing section 5.8 because it was contradictory to the previous section, removal of the conflict of interest section because it was outdated and all committees are automatically covered by the Conflict of Interest Act.

The Committee of Council Policy has been developed to outline standard general functions for all Committees of Council to ensure common standard of operation for all committees under the Town's jurisdiction, sufficient resources are available to fulfill committee mandates and provide clear expectations and process for member roles and appointments to internal and external committees.

Committees of Council

There are six Committees of Council identified in the policy. However, at this time, only

REQUEST FOR DECISION

RFD036-2024: Committees of Council Policy & Terms of Reference



two terms of references (TOR) have been drafted for approval: the Audit Committee and the Planning Advisory Committee. These two committees are mandated under the Municipal Government Act.

There are two other Committees that are mandated by legislation: the Accessibility Advisory Committee (AAC), and Police Advisory Board (PAB), which is a change in name to be consistent with provincial regulations. The PAB ~~may will~~ require a bylaw for the terms of reference in accordance with the Police Act. Staff will prepare the bylaw for approval in the new year. Staff are investigating this and will bring forward the appropriate terms of reference at a future meeting. The AAC does have an approved TOR, which will need to be updated to meet legislation. Furthermore, with the recent approval of new Equity and Anti-Racism legislation, many municipal units are combining the work of their AAC to include Equity and Anti-Racism. In consultation with the new Council, staff and AAC, staff will provide a recommendation and draft TOR at a future meeting.

The Community Development Committee also currently has a TOR and during the first few months of the new Council, staff are recommending that Council identify their priority areas then review the TOR to ensure it meets the needs of Council. Berwick Electric Commission is established by legislation and not a Committee of Council. The terms for the electric commission TOR is outlined in the Berwick Electric Commission Act.

Membership

The policy recommends that in an election year, and the second year of Council's term that Councillor appointments be reviewed for potential rotation of representation and alternates on committees. It also recommends equitable and fair distribution of workload amongst members, selection of committee chair and vice chair and expectations for reporting on committee work to Council, including external committees.

The policy also recommends a standard process for citizen appointments, terms, and expectations.

~~Conflict of Interest,~~ Code of Ethics and standard Rules of Engagement have also been identified.

Included as attachments to the Policy for approval are the TOR for the Audit Committee and the Planning Advisory Committee.

Staff recommend that upon approval of the policy and TOR's that all current committee members be provided with notice they have been approved for a two-year term, unless otherwise approved by the TOR or by Council effective until November 2026. Per the Policy, those members would be able to reapply for another term.

REQUEST FOR DECISION
RFD036-2024: Committees of
Council Policy & Terms of Reference



Financial Implications

N/A

Priority Alignment

Check Applicable	Strategic Priority Area	Comments
	Economic	
	Environmental	
X	Social	
X	Cultural	

Alternatives

Other – as directed by Council.

Community Engagement/Communication

Communicate with all current committee members the new policy and TOR's and term information.

CAO Comments

This policy will standardize processes, expectations, appointments and mandates for Council and citizen appointments to Committees.

CAO Initials: JB

Target Decision Date: ~~October 8, 2024~~
 November 12, 2024

Committees of Council Policy

Department: Council & Admin **Policy No:** 1.001
Adopted: Month, DD, YYYY **Revision Dates:** n/a

1.0 Purpose

To ensure that all Committees of Council adhere to a common standard of operation.

This policy outlines standard general functions for all Committees of Council to ensure sufficient resources to fulfill committee mandate, and to ensure clear and consistent processes.

This policy also outlines the process for appointment and expectations of representing the Town on external committees.

Individual Committees of Council will also have policies and procedures that outline specific mandate(s), goals or objectives, and other governmental requirements.

2.0 Scope

This Policy is applicable to all committees of council, and their appointed members, within the Town of Berwick.

3.0 References

3.1. [Nova Scotia Municipal Government Act](#)

4.0 Definitions

- 4.1. **CAO** is the Chief Administrative Officer for the Town of Berwick
- 4.2. **Citizen member** means a citizen member appointed by Council to a Committee of Council.
- 4.3. **Committee(s)** is any committee under Section 5.1 of this Policy.
- 4.4. **Quorum** is the number of members required to make decisions at the meeting. A majority of members present equals quorum.

5.0 Policy

This policy shall apply to all Committees of Council unless otherwise stated in the respective policies, ~~or~~ bylaws, terms of references or other legislation related to the specific committee. All Committees report to Council.

5.1. Committees of Council

The following Committees of Council must adhere to the procedure laid out below:

- Accessibility Advisory Committee
- Audit Committee
- Planning Advisory Committee
- Community Development
- Police Advisory Board
- ~~Berwick Electric Commission~~

Any other committee, panel, or board struck by council.

5.2. Terms of Reference

5.2.1. Every Committee of Council shall have a committee-specific policy that defines its Terms of Reference and must include:

- Purpose/Mandate
- Composition
- Total number of committee members
- Quorum
- Requirements/expertise of committee members
- Frequency of Meetings
- Other duties, responsibilities, regulations, or requirements as necessary

5.3. Notice of Meetings

5.3.1. A notice of a meeting shall be posted on the Town's website for each meeting at least one week before the meeting date.

5.3.2. Where a committee has regularly scheduled meetings, a single notice stating the scheduled dates may be posted.

5.3.3. If a meeting is changed, a special notice stating the new date shall be posted. Such a notice shall be posted a week in advance where possible.

5.3.4. Notice of Emergency meetings shall be posted as soon as the date is set.

5.3.5. All committee meetings shall be open to the public.

5.4. Agendas and Minutes

- 5.4.1.** The agenda for any meeting of a Committee of Council shall be posted on the Town's website and circulated to Committee Members as soon as it is finalized.
- 5.4.2.** The draft minutes of any meeting will be circulated to Committee Members at the same time as the agenda for the next meeting.
- 5.4.3.** Approved minutes will be posted to the Town's website as soon as possible after approval.
- 5.4.4.** All Committees of Council must maintain minutes of Council.

5.5. In-Camera Sessions

- 5.5.1.** In camera discussions may only be held for the following topics in accordance with section 22(2) of the MGA:
 - Acquisition, sale, or lease of municipal property
 - Minimum price to accept at tax sales
 - Personnel matter
 - Labour relations
 - Contract negotiations
 - Litigation
 - Legal advice
 - Public security
- 5.5.2.** To encourage attendance during regular, public sections of meetings, Committees of Council should hold in-camera items until the end of the meeting.
- 5.5.3.** The minutes shall reflect the time an in-camera session began and concluded and under which of the eight possible topics the discussion fell.

5.6. Council Membership

- 5.6.1.** By January of the election year and December the ~~second~~ **third**-year of Council's term, the Mayor and CAO will recommend Councillor appointments including alternates to committees referenced under section 5.1 of this Policy.
- 5.6.2.** These recommendations will be based on Council member interests, Committee needs, and Council member scheduling conflicts, along with other considerations that may be relevant (i.e., family and work commitments). The Mayor and CAO will strive to bring forward recommendations that are equitable and fair when distributing the workload amongst Council members.

- 5.6.3.** Once appointed to Committees, Council members are expected to attend and be fully committed to each Committee they are appointed to.
- 5.6.4.** The Mayor, or Deputy Mayor when acting in the Mayor's stead, shall be an ex-officio voting member on all Committees of Council.
- 5.6.5.** Where a Committee has two or less Council members, one Councillor will be appointed as an alternate to fill in for any Council member on that committee who may be unavailable.
- 5.6.6.** Committees will be chaired by a seated member of Council unless otherwise stated in the approved Terms of Reference or mandated by legislation.
- 5.6.7.** Committees will be vice chaired by a seated member of Council unless otherwise stated in the approved Terms of Reference or mandated by legislation.
- 5.6.8.** The Chair and Vice Chair will be selected annually by Council unless otherwise stated in the approved Terms of Reference or mandated by legislation.
- 5.6.9.** Council members attending a Committee who are not the appointed official for that Committee shall sit in the viewing gallery and have the same rights and privileges as any member of the viewing public.
- 5.6.10.** The Chair or designated Council representative to the Committee will provide an update from their committee meeting using the "Committee Update Template" to be included in the next regularly scheduled Committee of the Whole meeting. If the timing between meetings does not allow for a written submission to be produced prior to the agenda being circulated, a verbal report may be given at the meeting with the written report circulated and included in the next COTW agenda package.

5.7. Citizen Membership

- 5.7.1.** Only Council shall appoint citizen members to Committees of Council.
- 5.7.2.** Upon approval of this policy, all current citizen members shall begin a two-year term, ending November 2026. After 2026, all citizen member terms shall be four years thereafter.
- 5.7.3.** When a citizen member position becomes vacant before the end of their term, a call for applications shall be posted within two months of the vacancy.

- 5.7.4.** All vacant citizen committee positions will be advertised on the Town's website, social media and kiosks and will include a description of the committee, its purpose, membership term, and directions to apply.
- 5.7.5.** Applications are to include a resume and/or a detailed letter describing how the applicant's experience and education are relevant to the committee's purpose. Where an applicant does not have significant experience and/or education, they should demonstrate a willingness to learn and an interest in the committee's subject matter.
- 5.7.6.** Applications are to be submitted to the Chief Administrative Officer or a designated staff person. The Chief Administrative Officer will discuss the application(s) with the Committee Chair before making a recommendation to Council for appointment.
- 5.7.7.** Council will review all applications and select citizen appointments to Committees in December of each year.
- 5.7.8.** Citizen members serving on any Committee shall be eligible to reapply for a consecutive term. Applications of returning members shall be reviewed along with new applicants. Completion of a first term does not guarantee selection for a second term.
- 5.7.9.** Citizen members who have served two consecutive terms on the same Committee must take a leave of absence for at least one term before reapplying to serve on the same Committee but could apply for a different Committee without any such break.
- 5.7.10.** A citizen member may serve on more than one Committee at a time.
- 5.7.11.** Citizen members will serve without pay except the members of the Berwick Electrical Commission.

5.8 — Term of Citizen Membership

- ~~5.8.1 The standard term of membership for citizen members for any Committee of Council is two years unless other legislative regulations apply.~~
- ~~5.8.2 The standard maximum length of membership is five consecutive years. Members may reapply to join the same committee after two years of no involvement in that committee. The maximum length of membership would again be five consecutive years.~~

~~5.8.3 Each committee can opt for all member term lengths to be the same, or a mix of term lengths to encourage diversity as well as consistency in transition/succession planning.~~

5.8. Termination of Citizen Membership

- 5.8.1.** Members may terminate their membership at any time by submitting written notice to the committee Chair and/or Chief Administrative Officer.
- 5.8.2.** Committees may terminate a member's membership by majority vote upon:
- The member's absence from three consecutive meetings without valid notice
 - The member's inability to adhere to the Code of Ethics
 - After applying remedial measures, the member still does not contribute to or participate in committee activities or decisions.
- 5.8.3.** If a Committee terminates a member's membership, notification must be sent to the Chief Administrative Officer and Council.

5.9. Code of Ethics

- 5.9.1.** The Town believes that the proper operation of municipal government requires that committee members:
- be independent of any external influences or pressures
 - be impartial and responsible to the citizens of the Town
 - should not use their position for personal advantage
- 5.9.2.** No committee member shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- 5.9.3.** All committee members must abide by the Code of Ethics section of this policy and sign an accompanying declaration form.
- 5.9.4.** It is the responsibility of all committee members to:
- Uphold and carry out the policies and bylaws of the Town, as well as applicable Federal and Provincial laws, to foster and enhance respect for government.
 - Promote a high standard of morality and to discharge faithfully the duties as a committee member, regardless of personal considerations and interests.
 - Be loyal to the objectives expressed by the citizens and the programs developed to attain those objectives.
 - Adhere to the terms of reference and responsibilities established as the standard for their positions.

- Never exceed their authority, breach the law, or ask others to do so.
- Work in full cooperation with other public officials and employees unless prohibited from doing so by law or by officially recognized confidentiality of their work.

5.10. Conflict of Interest

~~5.10.1. No committee member shall engage in any business or transaction or have a financial or personal, direct or indirect, which is incompatible with the proper discharge of their official duties in the public interest or would tend to impair their independence of judgment or action in the performance of their duties as a committee member. Personal, as distinguished from financial interest, includes an interest arising from blood or marriage relationships or close business or political association.~~

~~5.10.2. Specific conflicts of interest are listed below for the guidance of committee members.~~

- ~~**Incompatible Employment:** No committee member shall engage in or accept private employment or render service for private interests when such employment of service is incompatible with or would tend to impair their independence of judgment of action in, the performance of their duties as a committee member.~~
- ~~**Disclosure of Confidential Information:** No committee member shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the Town, nor shall they use such information to advance the financial or other private interest of themselves or others.~~

5.11.5.10. Decision Making

5.10.1. Decisions will be made by a majority vote of the members present providing quorum has been met.

~~5.11.1.5.10.2. Committees may choose to use consensus decision making when approved in the Committee's Terms of Reference.~~

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5.12.5.11. Scheduling

~~5-12-1~~**5.11.1.** Council shall review and approve a meeting schedule in December of every year for the following January – December calendar year.

~~5-12-2~~**5.11.2.** All Council, Committee of the Whole and Committees of Council meetings will be included in this schedule.

~~5-13~~**5.12. Qualifications**

~~5-13-1~~**5.12.1.** Committee members shall reside in the Town of Berwick, unless otherwise stated in the approved Terms of Reference or approved by Council.

~~5-13-2~~**5.12.2.** Citizen members are selected by Council, after consideration of various factors including skillset, knowledge, experience, level of interest and reason for applying, as well as any identified knowledge/experience gaps currently on the Committee. Specific knowledge/experience requirements are included in the Terms of Reference for each Committee.

~~5-13-3~~**5.12.3.** All Committee appointments are made at the discretion of Council.

~~5-14~~**5.13. Rules of Engagement**

~~5-14-1~~**5.13.1.** A majority of the members of a committee constitutes a quorum.

~~5-14-2~~**5.13.2.** All committees shall meet in accordance with their Terms of Reference

~~5-14-3~~**5.13.3.** Committees may move or cancel a regularly scheduled meeting with advanced notice to all members, the CAO, and the public.

~~5-14-4~~**5.13.4.** Special meetings of Committees of Council, with the exception of Committee of the Whole, may be called by the Chair with advanced notice to all members and the CAO.

~~5-14-5~~**5.13.5.** Subject to the principles set out in the Municipal Conflict of Interest Act, all committee members present including the person presiding shall vote on a question.

~~5-14-6~~**5.13.6.** Any member attending virtually in accordance with Virtual Meeting Policy is deemed present for quorum and voting purposes.

~~5.14.7~~5.13.7. The role of all committees is limited to advising Council unless otherwise stated in the bylaw or resolution governing that committee.

~~5.14.8~~5.13.8. Unless specifically granted the power to do so, no committee has the power to commit the Town to either spend money or take any particular action.

~~5.14.9~~5.13.9. No member of a committee shall give specific directions to any staff member at any committee meeting. The responsibility for giving specific directions to staff shall reside with the full Council at a duly assembled meeting unless otherwise delegated to the CAO.

~~5.14.10~~5.13.10. A committee may choose to endorse the report of staff to Council or offer a different solution (alternative); in either instance, the staff report should always be attached to the agenda.

~~5.15~~5.14. **External/Partnership Committees**

~~5.15.1~~5.14.1. Council may participate on committees with other municipal partners via request or through Intermunicipal Service Agreements.

~~5.15.1.1~~5.14.1.1. These committees include, but are not limited to, AREA, Kings Regional Emergency Management, Valley Waste-Resource Management, Kings Transit, and Valley ~~Regional~~ Community Fibre Network.

~~5.15.1.2~~5.14.1.2. These committees will be governed by their approved Terms of Reference and /or IMSA and are outside of this Policy.

~~5.15.2~~5.14.2. Council ~~will~~may participate in committees with other partners via request or through established contracts or policies.

~~5.15.2.1~~5.14.2.1. These committees include, but are not limited to, Kings Point to Point Transit Society, Annapolis Valley Regional Library, and the Annapolis Valley Trails Coalition.

~~5.15.2.2~~5.14.2.2. These committees will be governed by their approved Terms of Reference and are outside of this Policy.

~~5.15.3~~5.14.3. Council will appoint Council representatives including alternates to External/Partnership committees identified under Section 5.17.

~~5.15.4.5.14.4.~~ Alternates for these committees are appointed by Council.

~~5.15.5.5.14.5.~~ Each Council representative will provide an update from their committee meeting(s) at the Committee of the Whole using the "Committee Update Template" to be included in the next regularly scheduled Committee of the Whole meeting. If the timing between meetings does not allow for a written submission to be produced prior to the agenda being circulated, a verbal report may be given at the meeting with the written report circulated and included in the next COW agenda package

6.0 Review

This policy will be reviewed every two years.

CAO

Date

AUDIT COMMITTEE

Terms of Reference

Approved: Month DD, YYYY

1.0 Purpose/Mandate

The purpose of the Audit Committee is to provide advice to Council on matters relating to audit and finance of the municipality. The Committee fulfills the legislative requirements as outlined in Section 44 of the Municipal Government Act (MGA).

The Committee increases both the reliability and credibility of financial reporting, enhances the independence of external auditors, and influences the overall corporate "tone" for quality financial reporting, risk controls, and ethical behaviour.

2.0 Composition

2.1 Total number of committee members

2.1.1 Minimum of five (5) to a maximum of (7)

2.2 Requirements/expertise

2.2.1 At least two (2) members are Town residents not elected or employed by the Town. In instances in which qualified town residents cannot be found, other qualified applicants may be considered.

2.2.2 Possess or acquire accounting, auditing, financial reporting and/or finance expertise.

2.3 Quorum

2.3.1 The standard measure for quorum shall be 50% plus 1 of the total number of committee members unless otherwise defined in this policy.

3.0 Frequency of Meetings

3.1 Audit Committee meetings will coincide with the stages of the audit:

3.1.1 The first meeting should be before the commencement of the audit. The Committee will review the program and the estimated fee.

3.1.2 The second meeting should take place after the completion of the audit. The Committee will review the annual finance report and management or internal control letter.

- 3.1.3** There will be no limit to the number of meetings; the Committee shall convene whenever circumstances demand.

4.0 Duties, Responsibilities, Applicable Legislative Requirements

- 4.1** Audit Committee meetings are open to the public and suggestions and recommendations of the Committee are made available to the public.
- 4.2** The Committee has unrestricted and complete authority to delve into any affair of the Town. It has full access to staff reports and full access to management and the auditor.
- 4.3** The Committee must maintain minutes of meetings and annually report to Council on how the committee has performed its duties and met its responsibilities.
- 4.4** The following list represents the duties and responsibilities of the Audit Committee. However, the Committee may be assigned such other matters as determined by Council to be the duties of the Audit Committee.

Financial Statements

- Review audited financial statements in depth with management and the external auditor. If satisfied they fairly present the financial position and results of operations, and recommend approval by Council.
- Review any potential changes in accounting principles and practices.

Audit

- Procure the audit in accordance with the requirements on procurement.
- The scope of the audit should include fair basic financial statements, individual funds, and component units. The audit contract should stipulate that the auditor conforms to generally accepted auditing standards found in the CPA Handbook. Enter into multiyear agreements with independent auditors (at least five years). Undergo a full competitive process in selecting the independent auditor. The auditor's ability to perform a quality audit should be the principal decision-making factor.
- Recommend to Council the change of the municipal auditor if management questions the competence of the incumbent and the committee confirms the view. The recommendation to appoint a new auditor would follow an adequate inquiry into the auditor's competence and reputation.

- At an initial meeting, the Committee should discuss the roles and responsibilities of the auditor and the Committee, as well as the auditing procedure to avoid misunderstandings at a later date. Committee members should be educated regarding their role and responsibilities.
- Review the auditors' risk assessments and overall audit plans.
- Discuss the extent, timing and completion of the audit including the level of materiality to be used.
- Review estimated and final audit fee.
- Promote cooperation between management and the auditor. Review the problems and restrictions encountered by the auditor and degree of cooperation received.
- Discuss whether a letter of engagement and/or a letter of representation exist as part of the audit file.
- Oversee the resolution of audit findings.
- Assess the auditors' performance.

System of Internal Control

- Discuss with the auditor the internal control systems and any recommendations for improvements; obtain and review a management letter; obtain management response to the recommendations from prior years.
- Monitor processes for management's identification and control of key corporate financial and regulatory risk.
- Inquire into any activities or transactions that may be illegal, questionable, or unethical, and into the municipality's control procedures that ensure such activities are being guarded against.
- Monitor compliance with the corporate code of conduct and regulatory requirements.
- Review the overall reasonableness of CAO and Council member expenses.
- Review adequacy of staffing in relation to both number and competence for accounting and financial responsibilities.

PLANNING ADVISORY COMMITTEE TERMS OF REFERENCE

Approved: Month DD, YYYY

1.0 Purpose/Mandate

The Purpose of this Terms of R is to establish policies and procedures for the effective operation of the Planning Advisory Committee.

This Policy applies to all members appointed to the Town of Berwick's Planning Advisory Committee, Council, and Planning Services.

2.0 Composition

2.1 Total number of committee members

2.1.1 There shall be a total of seven (7) voting members.

2.2 Requirements/expertise

2.2.1 Three (3) members of Town Council

2.2.2 Four (4) members at large who must be residents of the Town

2.2.3 Where no resident of the Town applies, Council may appoint a member at large that resides in the surrounding area

2.3 Quorum

2.3.1 The standard measure for quorum shall be 50% plus 1 of the total number of committee members unless otherwise defined in this policy.

3.0 Frequency of Meetings

3.1 The committee will meet monthly except for the month of August, unless the committee determines a meeting is not required.

3.2 Special meetings may be called by the Chair as required.

4.0 Duties, Responsibilities, Applicable Legislative Requirements

4.1 The Committee has the following responsibilities:

4.1.1 Review and provide recommendations to Council concerning all land-use planning matters

4.1.2 To act as and carry out the purposes of a Planning Advisory Committee as prescribed under the *Municipal Government Act*

4.1.3 To follow the Town's Public Participation Program

4.2 Guiding Legislation: Nova Scotia *Municipal Government Act (MGA)*

4.3 Definitions

4.3.1 Chief Administrative Officer (CAO) means the Chief Administrative Officer for the Town of Berwick.

4.3.2 Council means the Council of the Town of Berwick.

4.3.3 PAC means the Planning Advisory Committee.

DRAFT

Committee Report

Committee Name:

Meeting Date:

Submitted by:

Key Agenda Items:

- Provide a bullet point of key agenda items
- Do not include reoccurring agenda items such as approval of minutes.
- Only include a list of items that would be relevant to council

Key Discussion or Decisions:

- Provide a couple of sentences about discussion or decision that was made/had.
- For example, the committee approved the 2023/24 budget or the committee had a lengthy discussion about membership and recommended... or approved the following changes to their membership...

REQUEST FOR DECISION

RFD038-2024: Appointment of Audit Committee Member



To: Council
From: Administration
Date: November 8, 2024
Subject: Appointment of Audit Committee Member

References/Attachments

- Draft Committees of Council Policy
- Audit Committee Terms of Reference:

Recommendation

That Council appoint Gerard Jones to the Town’s Audit Committee for a two-year term.

Background

Last Spring, the Town advertised citizen appointments for the Accessibility, Audit and Planning Advisory Committees. The Town received one application for the Audit Committee and two for the Planning Advisory Committee. The appointments were approved.

In reviewing the Terms of Reference for Berwick Committees of Council, it was noted that it was common for Audit Committees to have at least two citizen members who possess or acquire accounting, auditing, financial reporting and/or finance expertise.

Following that discussion, the Town received another application for a citizen appointment to the Audit Committee. Attached for consideration is an application for Gerard Jones.

Council may go in-camera to discuss the application if they so choose.

Financial Implications

N/A

Priority Alignment

Check Applicable	Strategic Priority Area	Comments
	Economic	
	Environmental	

REQUEST FOR DECISION
RFD038-2024: Appointment of
Audit Committee Member



x	Social	
x	Cultural	

Alternatives

Council may complete another round of advertisements prior to a decision.
Other – as directed by Council.

Community Engagement/Communication

N/A

CAO Comments

The decision to appoint a citizen member Council's decision.

CAO Initials: JB

Target Decision Date: November 12, 2024

Committee of the Whole Monthly Report



Department: Community Development
Date: October 2024

Council Priorities

- **Rainforth Park:** Fence improvements in Rainforth Park are complete. The outfield fence has been replaced and a gate has been added to the playground.
- **Increased Programming/Programming for all ages:**
 - The Berwick Memory Café will start December 3rd at the Evangeline Club, with staff assisting with registration.
 - Staff are meeting with Active for Life (Acadia Centre of Lifestyle Studies) on November 25 to better support their program offerings in the local area.
 - Staff continue to work closely with the Annapolis Valley Welcome Network, Evangeline Club and Kings County Family Resource Centre to support their local efforts.
 - Our free afterschool drop-in program "Wednesday Sports Zone" began on October 23rd. This program targets youth in grades three to six and has seen increasing registration numbers each week. This program benefits from support from the Valley Wildcats.

Key highlights

- The Fitness Centre will return to 6:30 AM opening in the New Year.
- Holiday decor has been ordered and has arrived. Installation will begin after Remembrance Day.
- The Box Car deck construction at Heritage Station Park is complete and grant has been closed.
- Pricing for installation of the Centennial Clock is underway, with the support of Public Works.
- Volunteer recognition in the form of "Coffee and Kudos" took place on Friday, October 11. While the event was not largely attended by the public, staff received positive feedback on the format and will work to grow this event. 2025 Volunteer Recognition nominations will open in January.
- Staff organized and ran the meet the candidate's event ("Snack and Chat") in early October.
- The "Boo Bash" Halloween Party was held on the afternoon of October 25th with support from youth community volunteers. The event was held in the format of a more traditional Halloween party, outdoors and inside Carol's Place, and attracted approximately 200 children and their families.
- Departmental budget review and preparations are well underway. Review of variance reports was completed.
- Staff are busy preparing for the holidays, with our opening holiday weekend on

November 22nd and 23rd. Key highlights include the Tree Lighting on November 22nd at 6 PM, and the parade on November 23rd at 6 PM. Preparation of the Town parade float is underway, and Santa will be attending the parade from the North Pole.

- CORE AT Phase 1 Report was completed by Cycle Nova Scotia. The report shows the findings from focus groups and community consultation (online survey, pop ups).
- An expression of interest for the Trail Expansion Grant was submitted for Centennial and Rainforth Park connector trails.
- The tennis/pickleball courts were closed for the season the first week of November after a successful late season thanks to good weather. The washrooms will close at the end of the month.
- Berwick Electric assisted with placing a light on a photocell sensor at the basketball court to allow for evening play at dusk. This also illuminates the area slightly for safety purposes.
- With approval secured for Active Communities Fund projects, materials have been purchased to support the launch of an Active Transportation loan program set to begin in early spring, weather permitting.
- Discussion and planning for the beautification of the Town Gateway continues.

Next Month Priorities:

- Grant applications to support programming and upcoming events, through 2025 (Summer student grants are open November 18-December 18)
- All three staff from the department will be attending the Municipal Equity and Anti-Racism Symposium mid-November
- Winter Equipment Loan Program launch
- Launch of a Walk n' Roll program at the KMCC walking track
- Free public skates at the KMCC will begin end of November

Department: Finance
Date: October 2024

Council Priorities

- **Finalize Asset Management:**
 - **Bi-Weekly Meetings with Atlantic Infrastructure Management Network**
– Reviewing and updating level of service priorities and reviewing latest forecasting tool for high level risk assets.

Key Highlights

- **Berwick Electric Commission (BEC)**
- **Maritime Municipal Electric Utility Alliance (MMEAU):**
 - The CAO and I attended meetings on October 10th and 11th. We received a fantastic, in-depth presentation from the Saint John Energy (SJE) team regarding the AMI project tender process, scope, functions and progress report. SJE is leading the procurement and selection process and BEC will tag on in the future, beginning with scoping our project, as we transition to smart meters within our service area. We discussed benchmarking our utilities, against other utilities across Canada, and developing a plan to address deficiencies within our utility.
 - The MMEAU partners participated in a strategic priorities' session on November 6, 2024, to create alignment and goals for the organization.
 - SJE's Engineering Team will be in Berwick on Nov. 13th, to tour our location and assess our assets. This assessment will be utilized to determine eligible projects which may be included in an upcoming Natural Resources Canada grant opportunity, in which we are collaborating with the other partners in the MMEAU.
- **Insurance Claim-Factorydale Turbine:** Hysovent, our Owner's Engineer, has been awarded phase 2 of the project, which includes preparing and managing the procurement process for a replacement unit, and preparing grant applications with the support of our finance team. The insurer has assigned their own expert to complete a review of the turbine incident, given the materiality of the claim.
- **Insurance Claim-Bezanson Substation:** The insurance claim work is now complete, and we are collecting invoices to submit to the insurance adjuster to finalize the claim.
- **Flow Through Formula:** The application for the revised flow through formula has been submitted to the Utility and Review Board (UARB). The advertisement has been placed in the paper. Next steps are as follows:
 - Filing of Letters of Comment by the Public: Friday, November 8, 2024

- MEUs Rebuttal Evidence: Friday, November 15, 2024
- Oral Arguments (9:00 AM) (All parties) (if no hearing is required): Wednesday, November 20, 2024
- **Meter Reading:** We have procured a company that will be reading utility meters within our service area. This allows our Powerline Technician’s (PLT’s) the opportunity to prioritize their time on more valuable and pressing tasks.
- **Solar Garden Ownership:** The UARB provided a list of questions pertaining to the ownership of the solar garden. Together, with the aid of legal counsel, we have submitted our response and await further communication. The Town maintains that it shall remain the owner of the solar garden, as has always been the intention.

Town of Berwick

- **2023/24 Audit:** Draft statements were received from the auditors and staff are reviewing. Once the review is complete, the auditor will present the financial statements at an audit committee meeting, where they will be recommended for Council approval.
- **2025/26 Budget Preparation:** Worksheets have been prepared and circulated to departments for input. Staff await Council’s priorities in December to round out draft one of the budgets which will be presented for consideration in January 2025.
- **Insurance Claim- Public Works/BEC Shop:** Remediation continues at the shop, relating to the flood damage which occurred. Our adjuster is sourcing a contractor to repair the facility, and our hope is that it is completed by the end of the calendar year.
- **Insurance Request for Proposal:** An insurance tender has been drafted and will be advertised on the provincial website by month-end. It is best practice to tender for services every five years.
- **Report a Concern:** complaints were received during the month of October. All have been resolved. The nature of complaints include:

Type	Resolve	Volume
Power Outage Notifications other than social media	Resident has signed up for Town’s Alert System	1
A storm drain on Main St. not visible	Public Works will look at cover to determine improvements and/or signage	1
Safety concerns about multiple accidents in Windermere	The resident was provided contact information for NS Provincial Public Works department	1
Unleashed dog on Town trails	Residents to advise local RCMP detachment of their complaint.	1

- **Video Security System:** Management reviewed the proposal and costs with our IT consultant and Town Hall and Carol’s Place will be the focus for installation during

this fiscal year.

- **Key Fob Systems:** Installation is continuing at Town Hall.
- **Voyent Alert:** We have been promoting our new alert system to the public. At present, we have 215 residents signed up. We continue to promote this opportunity within our newsletters and social media.
- **Communications:** Our Office Admin Coordinator (OAC) has been busy creating standard operating procedures (SOP's) to supplement the Communications Plan actions. These SOPs will be reviewed and at the all-staff meetings, so all employees can provide input, feedback, and understand standardized expectations.

Next Month Priorities:

- **Audit Committee Meeting**
- **Financial Information Return completed and submitted to the province.**
- **Semi-Annual Variance Analysis and Capital Progress Report**
- **Factorydale Turbine:** Collaborate with Owner's Engineer on funding sources for project, and support inquiries for insurance adjuster.
- **MMEUA:** Reviewing project opportunities and preparing collective grant submission.
- **Asset Management Bi-Weekly Meetings with Atlantic Infrastructure Management**
- **25/26 Capital and Operating budget**

Committee of the Whole Monthly Report



Department: CAO and Administration
Date: October 2024

Council Priorities

- **2024 Municipal Election:**

The 2024 Municipal Election concluded following the time for applying for a recount expiring on October 29, 2024. The new Mayor and Council were sworn in on October 30, 2024.

- **Committees of Council Review:**

A draft Committees of Council Policy is prepared for Council's consideration. The Policy provides common standards of operation, guidelines for membership appointments, expectations for reporting to Council and Terms of Reference for the Audit Committee and Planning Advisory Committee.

BEC Priorities

- **BEC Succession Plan:**

- The CAOs of Berwick and Mahone Bay met with the administrators of the Municipal Innovation Program on November 5 to discuss the recent changes at AREA that have impacted delivering the program objectives.
- We will be contracting resources to complete the deliverables over the next 10-12 months. This will not include hiring a shared Director at this time.

Key Highlights

Berwick Electric

- See Finance report for updates on the Maritime Municipal Electric Utility Alliance (MMEUA), Flow Through Application and Solar Garden Ownership.
- Berwick has been receiving electrical inspection services from the Town of Mahone Bay since the beginning of September. The employee will be taking a month's leave in December and the Town will be tendering for the service.

Town

- The CAO has been working collectively with the CAOs of Antigonish and Mahone Bay on hiring an Interim GM for AREA, who started November 6. The individual has over 40 years in the industry and is familiar with the current stakeholders and MMEUA members and will bring a lot of expertise to the transition of AREA.

- Staff have been dedicated to council orientation planning, delivery and swearing in of new Council. As of November 12, three, three hours orientation sessions have been completed and Council members and the CAO attended the Provincial Council Orientation in Halifax on November 4 and 5.
- There are two additional Town specific sessions, and two joint sessions with Kentville, Wolfville and Kings County related to Intermunicipal Services Agreement (IMSA) organizations planned before the end of the year.
- The CAO's from municipal units involved in the Interim IMSA Board met in October to discuss proposed funding formulas and feedback. The CAO's have a monthly meeting with the consultants and IMSA staff to draft a proposal for the Interim IMSA Board's consideration on membership, governance and funding of Valley Waste and Kings Transit.
- Attended a virtual information session for a new funding program "GRID", Growth and Renewal Infrastructure Development Program. This program was a direct result of the Service Exchange Agreement with a pot of \$15 million annually. The grant can cover up to 50% of eligible costs and be stacked with other grant funding. The Town will be applying for funding for the Wastewater Treatment upgrades.

Next Month Priorities:

- NSFM Conference
- Council Orientation
- AREA Board Meeting

Department: Public Works
Date: November 2024

Council Priorities

Finalize Asset Management: Ongoing.

- Next Steps:
 - Director to receive training on GIS mapping Software from AIM Network.
 - Meeting scheduled for 16 Nov with Brightly (WO System).
 - Meeting scheduled for 26 Nov with MaintainX (WO System).
 - Update AM plan to account for 2024 paving work and vector / CCTV work and findings.

Storm Water Management: Ongoing.

- PW crew performed maintenance on open ditch behind Horsburgh Dr.
- 1 Nov – RFP released for the Stormwater Management Plan; 20 Dec closing date.
- Next Steps:
 - Work with property owners to construct a swale between civics 134, 136 Foster St to manage storm runoff from street.
 - Prepare to evaluate RFP responses in late Dec.
 - Report to council w/ recommendation.

WWTP Upgrades – Aeration & Blowers: Ongoing.

- 5 Nov – RFP released for Berwick Wastewater Treatment Plant Blower & Aeration Equipment Upgrade; 21 Nov closing date.
- Next Steps:
 - Prepare to evaluate RFP responses in late Nov, early Dec; recommendation to council in Dec 2024.
 - Report to council w/ recommendation.

WWTP Filter Upgrades: Ongoing.

- *12 Jul – Pre-Selection Tender closed; no bids received on account of challenges relating to a single technology package achieving 10/10 effluent limits with such a high influent loading.*
- 1 Nov – RFP by invite released to 4 companies for Berwick WWTF Tertiary Treatment System Pre-Selection Documents; 28 Nov closing date.
- Next Steps:
 - Prepare to evaluate RFP responses in early-Dec with Dillon Engineering.
 - Report to council w/ recommendation.

Sidewalk Upgrades – Maple Avenue: Ongoing.

- 17 Oct – acceptance of CBCL proposal for Concept Design for Maple Ave.

- 22 Oct – kick-off meeting with CBCL.
- 29 Oct – site visit with CBCL engineer and surveyor.
- Next Steps:
 - Review CCTV footage for Foster St, Maple Ave and work current condition into the AM plan.
 - Report to council.

Key Highlights

Operations:

- Mowing, groundskeeping, vegetation management.
- Paving work 100% complete.
- Vactor flushing, linear asset inspection 100% complete.
- 11 Jul Flood (post-work)
 - Received a cost proposal for replacement covers for storm culverts near Eden Valley for improved safety and maintenance accessibility. Cost proposal subject of RFD.
 - PW / BEC Shop reinstatement work started in Oct; ongoing.
- Holiday Season preparation begins following Remembrance Day.
- Tender for Cleaning Services for Town Buildings completed; contract pending.
- Solar Garden:
 - Drafting RFP's for red seal construction electrician; grounds keeping company.
- WW Treatment:
 - No updates this month, other than already stated.
- WW Collection:
 - No updates this month, other than already stated.

Capital (e.g. not already mentioned):

- Centennial Park Building
 - Low-cost temporary building constructed to house plumbing and electrical needs for Rainforth Park and the ball field.
 - Building to be painted, insulated; plumbing and electrical to be moved; existing building to be demolished by end of calendar year.
- Crosswalk flashing lights: parts received in August, September; install ongoing.
- New vehicle Ford F150 XLT Hybrid delivered 4th October; fleet management device and branding installed.
- Fleet Management devices (GPS) received; installs ongoing.
- Accessible Customer Service: RFP released 15 Oct; closing date 20 Nov.

Next Month Priorities:

- Holiday preparation (Townhall, Commercial St, Parade Prep).
- Winter vehicle preparation ongoing (sidewalks machines, plow trucks).
- Warm stack grounds equipment if time permits (may defer to early spring).
- Paint / insulate the temporary Centennial Park Utility Shed.
- Leaf management along sidewalks, mowing, groundskeeping.
- Manhole replacements (3-4) on Commercial Street.
- Continue to implement GPS Fleet Management in Town vehicles.
- Maple Ave sidewalk progression.
- WWTP upgrades progression.

Department: Public Works
Date: October 2024

Council Priorities

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- WWTP upgrades progression.

Committee Report



Committee Name: AREA (Alternative Resource Energy Authority)
Meeting Date: October 16, 2024
Submitted by: CAO Boyd

Key Agenda Items:

- Ellerhouse Wind Farm Decommissioning Study
- Riverport Electric and Light Commission Update and Proposed Conversion of Accounts Receivable to Long-term debt
- Solar PV Project Development Services Agreement with Cumberland County
- Power Purchase Agreement with Potentia
- Heads of Terms with Innergex

Key Discussion or Decisions:

- Ellerhouse Wind Farm Decommissioning Study
A decommissioning study was required by the landowner of the Ellershouse Wind Farm. The study determined that AREA would realize revenue greater than the costs and therefore, no security is required to the landowner at this time.
- Riverport Electric and Light Commission (RELC) Update and Proposed Conversion of Accounts Receivable to Long-term debt
RELC requested that AREA convert the outstanding accounts receivable of \$438,000 to long-term debt to be paid back over a period of 10 years. The Board AREA Board directed staff to negotiate an agreement with RELC regarding a securitized long-term debt facility so that RELC can repay AREA over a period of ten years at 6.5%, with the term starting once RELC receives UARB approval for rates commensurate with repaying AREA, on the following two conditions:
 - (i) the long-term debt facility shall include a condition that if RELC fails to make any future monthly PPA payment to AREA, by the due date specified on the invoice, before NSUARB approves the next RELC General Rate Application that the entire facility becomes due immediately and
 - (ii) that RELC executes and amended PPA for the output of the Ellershoue Wind Farm, similar to the other three municipal electric utilities that intend to assume the price differential between Black-Up/Top-Up and Spill energy rate.
 - (iii) that assets used to secure the loan have been assessed by a third-party Assets used to secure the loan have been independently reviewed.
- Solar PV Project Development Services Agreement with Cumberland County
AREA staff have been working with Cumberland County, as well as the Municipality of the District of Lunenburg, to prepare a project application to the Department of Natural Resources and Renewables for a community solar garden.

Almost 90% of the work has been completed for Cumberland to date with an expected submission date of February 2025. The Service Agreement is for \$75,000 to complete the application portion.

Committee Report



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- An in-camera update was provided on the Potentia PPA and Heads of Terms with Innergex.
-

Meeting Date: **October 30, 2024**

Submitted by: **CAO Boyd**

Key Agenda Items:

- Approval of 2023/24 AREA Financial Statements
- Interim GM Update

Key Discussion or Decisions:

- Approval of 2023/24 AREA Financial Statements
AREA's auditor presented the 2023/24 AREA Financial Statements. Of note was the new public sector accounting requirement: Asset Retirement Obligation (ARO). With the recent decommissioning study of the Wind Farm, AREA is required to state the ARO for 2022/23 and 2023/24 which changed the dividend from the previous year financial statements. This change, along with a number of questions from the Town of Berwick regarding the recording of solar garden expenditures that did not reconcile with Berwick's financial statements, delayed the approval of the financial statements to a future meeting.
- Interim GM Update
The CAO's introduced the Board to the proposed Interim GM and received approval to hire the individual to oversee the transition from the previous GM and strategic planning.