

Table of Contents

4.1 2024-10-08 Regular COTW Minutes	3
5.1 SR2024-72 Appointment of Dana Olmstead	6
5.2 SR2024-73 ACMHC Appointments	8
5.3 SR2024-74 Approve Policy 102 Personnel	11
5.4 SR2024-75 Repeal AM-1.2.2 Indemnification of Elected Officials Policy	32
5.5 SR2024-76 Approve Policy 120 Code of Conduct for Elected Officials	37
5.6 SR2024-77 Approve Policy 112 Area Advisory Planning Committee Policy	49
5.7 SR2024-78 Approve Policy 122 Ad Hoc Citizen Advisory Committees	55
5.8 SR2024-79 Approve Policy 111 Annapolis County Planning Advisory Committee Policy	60
5.9 SR2024-80 Approve Bylaw 1 Heritage	65
5.10 SR2024-81 Approve Policy 121 Citizen Appointments to Committees	76

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

COMMITTEE OF THE WHOLE AGENDA

Tuesday, November 12, 2024
10:00 a.m.



PAGES	1.	ROLL CALL
	2.	DISCLOSURE OF INTEREST
	3.	APPROVAL OF THE ORDER OF THE DAY
	4.	APPROVAL OF MINUTES
3-5	4.1	2024-10-08 Regular COTW
	5.	INFORMATION/STAFF REPORTS
6-7	5.1	SR2024-72 Appointment of Dana Olmstead
8-10	5.2	SR2024-73 ACMHC Appointments
11-31	5.3	SR2024-74 Approve Policy 102 – Personnel
32-36	5.4	SR2024-75 Repeal AM-1.2.2 Indemnification of Elected Officials Policy
37-48	5.5	SR2024-76 Approve Policy 120 - Code of Conduct for Elected Officials
49-54	5.6	SR2024-77 Approve Policy 112 – Area Advisory Planning Committee Policy
55-59	5.7	SR2024-78 Approve Policy 122 – Ad Hoc Citizen Advisory Committees
60-64	5.8	SR2024-79 Approve Policy 111 – Annapolis County Planning Advisory Committee Policy
65-75	5.9	SR2024-80 Approve Bylaw 1 Heritage
76-84	5.10	SR2024-81 Approve Policy 121 Citizen Appointments to Committees
	6.	NEW BUSINESS
	7.	ADJOURNMENT

Minutes of the regular Committee of the Whole meeting held on Tuesday, October 08, 2024, at 10:00 a.m., at the Municipal Administration Building, 752 St. George St. Annapolis Royal, NS.

ROLL CALL

District 1 – Bruce Prout, present
District 2 - Brian “Fuzzy” Connell, present
District 3 – Dustin Enslow, present
District 4 – Clyde Barteaux, present
District 5 – Lynn Longmire, present
District 6 – Alex Morrison, Warden, present
District 7 – David Hudson, present
District 8 – Michael Gunn, present
District 9 – Wendy Sheridan, present
District 10 – Brad Redden, Deputy Warden, present
District 11 – Diane Le Blanc, present

Also Present: CAO Chris McNeill; Administrative Clerk - Municipal Clerk Office Kelly Kempton; other staff, Director of Planning and Inspection Services L. Bent, Strategic Initiatives Coordinator A. Blais, Director of Corporate Services/Deputy CAO D. Campbell, Communications Coordinator N. McCormick, Manager of Information Technology B. Olsen, Manager of Recreation N. Whitman, Manager of Protective Services Janice Young and Director of Municipal Operations Jim Young.

Disclosure of Interest

None

Order of the Day

Approved as circulated

Minutes

Re: 2024-09-10 Committee of the Whole

Approved, no errors or omissions

Information/Staff Reports

Re: SR2024-63 Emergency Grant Funding RCL Lawrencetown

That Municipal Council approve a grant of \$14,237.00 to Royal Canadian Legion Branch 112, Lawrencetown to assist with emergency roof replacement for the hall; and that this funding be approved as an over expenditure in the Community Grants budget in 2024-2025.

Moved: Deputy Warden Redden

Seconded: Councillor Connell

Motion carried

New Business

Re: 2024-10-01 Email re: Signage for Lake Cady

That Municipal Council direct staff to repost signage along the Lake Cady watershed area as a "Protected Watershed Zone" every 100 feet so as to thwart any attempts to apply herbicides by means of arial or ground-based applications. Further, the expense of this should come from the Lake Cady Water Utility.

Moved: Councillor Gunn

Seconded: Councillor Longmire

To amend the motion to remove "100 feet" and to add "to be placed at all access roads and trail passage locations and regularly placed around the perimeter of the watershed protection area at locations to be determined by municipal authority."

Moved: Councillor Barteaux

Seconded: Councillor Enslow

To amend the amendment to include "and that we include a communication signage on these areas that we are now posted."

Moved: Councillor Longmire

No seconder

Warden called a recess at 10:38 a.m. The meeting resumed at 10:50 a.m. with all present as prior to the recess.

Councillor Barteaux moved an amendment that Municipal Council direct staff to repost signage along the Lake Cady watershed area as a "Protected Watershed Zone" to be placed at all access roads and trail passage locations and regularly placed around the perimeter of the watershed protection area at locations to be determined by municipal authority so as to thwart any attempts to apply herbicides by means of arial or ground-based applications. Further, the expense of this should come from the Lake Cady Water Utility. The amendment was withdrawn.

The original motion was withdrawn by Councillor Gunn.

That Municipal Council refer the matter of the watershed posting to staff for a recommendation report.

Moved: Councillor Gunn

Seconded: Councillor Sheridan

To amend the motion to replace staff with source water protection advisory committee.

Moved: Councillor Longmire

No seconder

Question was called on the motion

Motion carried

In-Camera (10:53 a.m.)

To meet in-camera in accordance with Section 22(2)(a) acquisition, sale, lease and security of municipal property, of the *Municipal Government Act*.

Moved: Deputy Warden Redden

Seconded: Councillor Le Blanc

Motion carried

The meeting resumed at 11:24 a.m.

Adjournment

The Warden declared the meeting adjourned at 11:24 a.m.

Warden

Recording Secretary, Administrative Clerk –
Municipal Clerk Office

Unapproved
Draft



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Linda Bent, Director of Planning & Inspection Services
Report Number: SR2024-72 Appointment of Dana Olmstead
Subject: Appointment of Dana Olmstead as Municipal Building Official and Municipal Fire Inspector, Municipality of the County of Annapolis

RECOMMENDATION(S)

That Municipal Council appoint Dana Olmstead as Building Official and Fire Inspector for the Municipality of the County of Annapolis.

LEGISLATIVE AUTHORITY

Nova Scotia Building Code Act – Part 5 (2)
Nova Scotia Fire Safety Act – Part 19 (b)

BACKGROUND

Part 5(2) of the Nova Scotia Building Code Act states that Municipal Council shall appoint a building official to administer and enforce the NS Building Code.

Part 19(b) of the Nova Scotia Fire Safety Act states that a Municipality shall appoint a fire inspector to carry out fire inspections.

DISCUSSION

By appointing Dana Olmstead as Building Official and Fire Inspector for the Municipality of the County of Annapolis, Council grants him the ability to administer the Municipality's S2 Building Bylaw, Nova Scotia Building Act & Regulations, current National Building Code and the Municipality's Policy 1.4.1 System of Fire Inspection Policy, Nova Scotia Fire Safety Act & Regulations and current National Fire Code.

FINANCIAL IMPLICATIONS

Costs associated with the appointments may include out of office training through the Nova Scotia Building Officials Association and the Fire Inspectors Association of Nova Scotia. Costs associated with training and salary was included in the approved 2024-2025 operating budget.

POLICY IMPLICATIONS

None known.

ALTERNATIVES

These appointments are a statutory requirement and staff cannot perform their job duties unless appointed.

NEXT STEPS

Once appointed by Council, a Building Official and Fire Inspection can commence inspections and act under the authority of the NS Building Code Act and NS Fire Safety Act.

In the case of Dana Olmstead, until he receives his training through the Nova Scotia Building Officials Association (NSBOA) he can only conduct Fire Inspections. The anticipated date for him to receive his residential inspector qualifications is Spring of 2025.

ATTACHMENTS

N/A

Prepared by: Linda Bent, Director of Planning & Inspection Services

Approved by:

Approval Date:


Chris McNeill
Chief Administrative Officer

NOVEMBER 6, 2024
(Date)



RECOMMENDATION REPORT

To: Committee of the Whole
Prepared by: Dawn Campbell, Director of Corporate Services
Date: November 12, 2024
Report Number: **SR-2024-73 ACMHC Appointments**
Subject: Appointments to Annapolis Co. Municipal Housing Corp.

RECOMMENDATION

That Municipal Council appoint the following board members to the Annapolis County Municipal Housing Corporation:

- Paula Bilz for an additional 2 years to November 2026;
- Ann Burns for an additional 2 years to November 2026;
- Carol Ward for an additional 2 years to November 2026;
- Terry Silver for a 2 year term to November 2026.

LEGISLATIVE AUTHORITY

Section 15 of the *Municipal Housing Corporations Act*:

Amendment of instrument of incorporation

15 (1) A corporation, with the approval of the council or councils of the municipality or municipalities that establish the corporation, may amend the instrument of incorporation by which it was established by changing its name, the number of its members, the manner of appointment of members or any of them.

Section 1 of the current Instrument of Incorporation for the Housing Corporation states:

The corporation shall consist of a minimum of six (6) Members and a maximum of eight (8) Members, appointed by Municipal Council of the Municipality of the County of Annapolis at its first regular meeting held in November . . .

BACKGROUND

The County of Annapolis established "The Annapolis County Municipal Housing Corporation" in August 1984 under an Instrument of Incorporation in accordance with the *Municipal Housing Corporations Act*. Although originally considered an agency of the County, the Housing Corporation now operates independently. However, in accordance with the Corporation's Instrument of Incorporation, Municipal Council is still required to appoint all board members.

FINANCIAL IMPLICATIONS

None known

POLICY IMPLICATIONS

None known

ALTERNATIVES / OPTIONS

None

NEXT STEPS

Once approved, the Office of the Municipal Clerk shall provide confirmation to the Housing Corporation

ATTACHMENTS

Email from Housing Corporation Requesting Appointments

Approved by:

Chris McNeill
Chief Administrative Officer

Approval Date:

NOVEMBER 6, 2024
(Date)

Hi Kelly:

I have the following appointments for you:

That Paula Bilz be appointed for an additional 2 years to end November 2026.

That Ann Burns be appointed for an additional 2 years to end November 2026.

That Carol Ward be appointed for an additional 2 years to end November 2026.

We have a new Director Terry Silver to be appointed for the 2 year term November 2024 to November 2026.

[REDACTED]

I trust this is the information you require for the November Council Meeting.

Thanks,

Helen



Helen Huntley

Board Chair

Email: hhuntley@mountainsandmeadows.ca

To be the home of choice and a vibrant presence within the Community.



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Dawn Campbell, Director of Corporate Services
Consultation Group: Kate MacLean, Human Resources Coordinator
Tina Halliday, Admin Clerk-Corp Services
Report Number: **SR2024-74 Approve Policy 102 - Personnel**
Subject: Approve Policy 102 - Personnel

RECOMMENDATION

That Municipal Council approve *Policy 102 Personnel* as circulated [7-day notice].

LEGISLATIVE AUTHORITY

Sub-section 47(1) of the *Municipal Government Act* states:

The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Sub-section 48(3) of the *Municipal Government Act* further states:

In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

Sub-section 48(1) of the *Municipal Government Act*:

Before a policy is passed, amended or repealed the council shall give at least seven days' notice to all council members.

BACKGROUND

Policy 102 Personnel was approved in September 2023. The process to develop this policy spanned two years and included an examination of best practices of other governments and public sector entities. It had been recognized for several years that the County's policies relating to human resources (including recruitment, benefits and standards of performance) needed to be reviewed, updated and consolidated. Matters of inclusiveness, fairness, transparency, and employee recruitment / retention were weighed and considered carefully.

DISCUSSION

This policy should be reviewed annually to:

- Update outdated references to other policies,
- Ensure clarity,
- Ensure fulfills legislative / legal requirements.

The policy changes proposed are to clarify language around future internal promotions and hiring processes, hybrid work schedules, and remaining references to specific policy numbers.

FINANCIAL IMPLICATIONS

There are no known financial implications.

ALTERNATIVES / OPTIONS

- None

COMMUNICATION

Normal statutory requirements:

7-day notice to approve policy (Committee of the Whole)

Approval by Municipal Council 7 days or more after notice is provided

ATTACHMENTS

Policy 102 Personnel (proposed changes as marked)

Approved by:



Chris McNeill
Chief Administrative Officer

Approval Date:

NOVEMBER 6, 2024
(Date)



Policy 102 - PERSONNEL

TABLE OF CONTENTS

Preamble.....	5
Definitions	5
Management Rights and Responsibilities.....	6
Code of Conduct	6
Hiring Authority	7
Hiring Practices.....	7
Employment Equity and Diversity.....	8
Hours of Work.....	8
Managing Unsatisfactory Performance / Corrective Actions.....	9
Professional Development	10
Employee Classification, Salary Scales, Wage Rates	10
Overtime	11
Paid Holidays	12
Paid Vacations	12
Pension and Group Insurance Plans.....	13
Bereavement Leave	14
Sick Leave	14

Return to Work	15
Maternity / Parental Leave	16
Leave Without Pay	16
Compassionate / Critical Care Leave	16
Emergency Service Volunteers Leave	17
Paid Volunteer Work Day	17
Building or Facility Closures / Delayed Openings	17
Expense Reimbursement / Travel Allowances	18
Use of Personal Vehicle for Work Travel	18
Use of Municipally-Owned Vehicles / GPS	19
Problem Resolution and Complaint Process	20
Performance Review	20
Repeal of Previous Policies	21
Effective Date	21

Preamble

This policy applies to all non-union employees of the Municipality of the County of Annapolis. Its purpose is to document approved, formal personnel practices and to ensure that there is a clear understanding of the terms, conditions and requirements governing employment with the municipality. Equitable work practices that embrace diversity and support inclusion will attract and retain a talented workforce. This is a cornerstone and catalyst for a strong community.

Definitions

1. The requirements in this policy are intended to complement, supplement and be consistent with the requirements of the *Municipal Government Act* and applicable labour legislation.
2. In this policy, unless the context otherwise requires:
 - a. "Accommodation" - any adjustment in the terms and conditions of employment or the physical environment which may be required as a result of an employee's documented medical or physical disability, whether permanent or temporary. Accommodations shall be provided to the point of undue hardship to the employer.
 - b. "Barriers" - formal or informal policies or practices (written or unwritten) that disproportionately restrict or exclude individuals based on factors unrelated to the nature of work, merit, or safety.
 - c. "Career Track" - a plan developed jointly by the employer and employee setting out the employee's goals for possible future positions, responsibilities, training, education and certifications.
 - d. "CAO" - Chief Administrative Officer of the Municipality of the County of Annapolis;
 - e. "Council" - Municipal Council of the Municipality of the County of Annapolis;
 - f. "Diversity" - refers to a broad range of attributes. Some aspects of diversity can be seen while others may be invisible. Elements of diversity include race or ethnicity, religion, culture or newcomer status, geography, language, politics, gender, beliefs, sexual orientation, economic status, abilities, skills and interests. A diverse workplace is one that reflects our communities.
 - g. "Human Resources Administrator" - the employee designated by the Chief Administrator to carry out the responsibilities assigned in this policy;
 - h. "Management" - CAO, directors, and managers of the municipality;
 - i. "Municipality" means the Municipality of the County of Annapolis;
 - j. "Overtime" - hours worked in excess of normal work hours for which some employees (based on classification and job description) may be entitled to compensation in the form of pay or time off in lieu;
 - k. "Relative" – includes any person who is a spouse, child, grandchild, sibling, parent, grandparent, or fiancé(e) of an employee, and is not estranged. This definition shall also include a person with whom an employee resides.
 - l. "Supervisor" - the person (or persons) to whom the employee directly reports, as set out in the employee's job description and the organizational chart.

Management Rights and Responsibilities

3. Management is responsible for the implementation, administration, and interpretation of this policy. Every effort shall be made to ensure that it is applied in a timely, consistent, fair and equitable manner.

Code of Conduct

4. The following Code of Conduct does not acknowledge every potential ethical question or situation that may arise. It is designed to promote ethical and respectful decision-making and conduct. Should a situation arise where a staff member is unsure on how to appropriately act as a municipal representative, they should speak to their supervisor.
5. County of Annapolis employees are public servants with duties and responsibilities serving the needs of residents. As such, employees are entrusted with upholding and adhering to the County's bylaws and policies, as well as all applicable federal and provincial laws. They must observe a high standard of ethical behavior in the conduct of their official duties and faithfully fulfill the responsibilities of their offices, regardless of their personal or financial interests. A high level of professionalism in the workplace, in public, and online is required of all staff.
6. Municipal staff shall perform their duties with honesty and integrity in a manner that is helpful, respectful, and courteous. Employees will do their jobs to the best of their abilities, treating others with respect, courtesy, and dignity.
7. Employees shall faithfully and diligently endeavor to develop or enhance programs and services that address the needs of residents in an efficient and effective manner. Employees shall function at the level expected of those who work in the public's best interests.
8. Municipal time and assets are to be used only for the performance of municipal duties and as approved by the appropriate supervisory staff. Employees are required to care for municipal assets, including all property, equipment, software, information, and materials.
9. Employees shall not exceed their authority or knowingly / intentionally breach the law or ask others to do so. They shall work in full co-operation with other public officials and employees unless prohibited from doing so by law.
10. Municipal staff shall not provide or receive any gift, benefit, or favour in exchange for special considerations or influence, or in a manner that it may be perceived to be in exchange for special treatment.
11. Employees must remove themselves from any decision process that may result in actual or perceived personal gain, favouritism, or benefit. Awarding of municipal tenders, job opportunities, land sales, and disposal of surplus assets shall be carried out impartially – without any advantage or favouritism to themselves or others.
12. County of Annapolis employees shall use, collect, and disclose information only for the purposes of carrying out municipal duties and in accordance with Part XX of the *Municipal Government Act* (Freedom of Information and Protection of Privacy). Personal, business, or financial information shall be used only for the intended purposes for which it was provided.

13. In the course of carrying out their responsibilities, employees will gain knowledge and be entrusted with detailed confidential information concerning the business of the municipality and its employees, residents and businesses, the disclosure of which would be highly detrimental to their interests. Employees must treat confidentially all such information received during the course of their employment.
14. All employees have the right to take part in political activity, but only on their own time. Should a municipal employee decide to run for elected office in government, the employee must first seek an unpaid leave of absence for the time period between the day they announce their intention to seek public office and voting day. Should the employee win their seat, it will be understood that the employee will resign from employment with the municipality immediately before taking their elected seat.

Hiring Authority

15. Council has the responsibility and authority to hire the Chief Administrative Officer (CAO) and to negotiate their terms of employment. Council may engage third parties to assist in this hiring process.
16. The CAO (or designate) shall be responsible for directing and managing all employees of the municipality including authority to:
 - a) establish and change employment procedures, programs, rules and guidelines as deemed necessary for the safe, efficient, economic and effective operation;
 - b) hire, appoint, suspend, remove, layoff, or terminate any employee;
 - c) set the terms of employment for all employees of the municipality;
 - d) establish departments of the municipal administration;
 - e) adopt a system of classification of positions of municipal officers and employees;
 - f) determine the salaries, wages and emoluments to be paid to municipal employees, including payment pursuant to a classification system and approved budgets.

Hiring Practices

17. It shall be the practice of the municipality to recruit and select employees in accordance with all provisions of the *Nova Scotia Human Rights Act*.
18. ~~Qualified and capable existing~~ Employees ~~will~~ **may** be provided the opportunity for advancement as determined appropriate by the Chief Administrative Officer.
19. Vacancies ~~not filled by existing employees~~ shall be advertised and open to all qualified applicants. The selection of a successful applicant shall be based on education, training, experience, ability, competence, attitude and character.
20. Relatives and friends of council members or employees who apply for employment with the municipality will not be favoured or discriminated against.
21. Relatives may be employed only where they will not be working directly for or supervising a relative.



22. Employees shall not be transferred into a reporting relationship as described above.
23. Council members and existing employees shall not contact members of a selection committee or the Chief Administrative Officer regarding or on behalf of a particular applicant.
24. Staff with friends or relatives who are applicants for a position are not permitted to participate in the hiring process for this position.
25. If an applicant provides a councillor or existing employee as a reference, the applicant will be requested to provide an alternate reference.
26. Councillors and employees directly involved in any hiring process must be knowledgeable of and abide by the provisions of the *Municipal Conflict of Interest Act*.

Employment Equity and Diversity

27. The municipality shall provide equitable employment opportunities to all by identifying and alleviating barriers including (but not limited to) discrimination based on:
 - a) age;
 - b) race;
 - c) colour;
 - d) religion;
 - e) creed;
 - f) sex;
 - g) sexual orientation;
 - h) gender identity;
 - i) gender expression;
 - j) physical / mental disability;
 - k) ethnicity;
 - l) family status;
 - m) marital status;
 - n) source of income;
 - o) political belief / affiliation / activity or association with those having these characteristics;
 - p) and any other described discrimination as contained in the *Nova Scotia Human Rights Act*.
28. The CAO shall ensure strategies are developed to promote equity and diversity in the workplace.
29. An applicant for employment with the County of Annapolis who believes they have received unfair treatment based on discrimination can register a written complaint with the Chief Administrative Officer.

Hours of Work

30. Employees are expected to devote working hours to employment responsibilities.

31. Regular working hours are from 8:30 a.m. to 4:30 p.m., Monday to Friday (inclusive). These hours may be varied due to operational requirements or by express agreement between the employee and their supervisor.
32. The municipality recognizes the benefits to employees through flexible and remote work arrangements. The CAO or directors may determine that certain positions and their duties permit an alternate working arrangement that differs from a traditional work arrangement. Alternate work arrangements (periodic, temporary, or permanent basis) may consist of compressed ~~work weeks~~ **schedules**, flexible ~~hours~~ **schedules**, or flex-time schedules, ~~job sharing, or off-site work locations~~ **or hybrid schedules**. In making this determination, the CAO or directors shall consider all relevant circumstances and the requirements of the municipality's business. Accordingly, the following considerations shall guide all flexible work arrangements and be used in evaluating the functionality of such arrangements:
- Use of human and other resources (including information technology) to ensure efficiency;
 - Productivity of the employee;
 - Effect on service levels and public access to employees (positive and negative);
 - Impact on the work flows of other employees;
 - Alleviation of employment barriers;
 - Ability to meet work standards, particularly communication with colleagues and the public.
33. Alternate work arrangements will be 1) considered on a case-by-case basis; 2) approved in advance; 3) documented in writing; and 4) meet the following criteria:
- a) Absence from the office shall have no or minimal impact on the workplace;
 - b) Clear, defined outcomes must be established to monitor performance;
 - c) If working from home, the employee must have the necessary equipment or software and proper security in place to work from home.
34. Working hours may also be varied based on family and medical reasons or as otherwise provided in the *Nova Scotia Labour Standards Code*.
35. Employees are entitled to all breaks as provided under the *Nova Scotia Labour Standards Code*.
36. Management has the authority to schedule lunch and breaks for individual employees as may be required to maintain service levels.

Managing Unsatisfactory Performance / Corrective Actions

37. "Corrective Actions" are measures designed to address unsatisfactory conduct or performance. They are dependent on the specific circumstances and may range from counseling to verbal or written warnings, which are within the authority of Management; or suspension or dismissal, which are within the authority of the CAO.
38. *AM-2.4.2 Managing Unsatisfactory Performance Policy* applies to all employees of the Municipality.

Professional Development

39. The municipality is committed to continuous employee performance management and professional development. This process is intended to:
 - a) enhance the effectiveness and efficiency of the organization and its employees;
 - b) focus resources on strategic priorities;
 - c) align organizational objectives within the organization;
 - d) provide a forum to discuss position responsibilities and training and career opportunities, and build strong, positive relationships between management, supervisors and staff.
40. Having competent, knowledgeable, and highly trained staff facilitates the municipality's mandates, priorities and objectives being met.
41. Supervisors will endeavor to place capable, competent, and motivated employees on specific career tracks. These career tracks will form part of a strategic succession plan for the municipality. Employees will be informed, and must accept, that career tracks and succession plans are subject to change by management due to internal and / or external factors.
42. Annual operating budgets will provide funding for training and professional development opportunities and programs targeted to increase the efficiency and effectiveness of employees.
43. Supervisors shall be mindful of providing both formal and informal mentoring and coaching opportunities for their employees.
44. As deemed appropriate by the CAO and supervisors, employees will be required or encouraged to be members of relevant professional development agencies or associations. The municipality will pay the costs of such memberships.
45. At the discretion of the applicable supervisor, employees that attend or complete any professional development session or program may be required to prepare and present a report to other staff or Council.

Employee Classification, Salary Scales, Wage Rates

46. The municipality's employee classification system includes the approved organization chart, a listing and number of approved positions and salary scales.
47. The authority to approve changes to positions / job descriptions rests solely with the CAO. The Human Resources Administrator has the responsibility for drafting and maintaining revisions to the position descriptions.
48. A salary scale and responsibility review and comparison to other rural municipalities will be conducted every five (5) years commencing in the 2023 / 2024 fiscal year.
49. Salary scale increments for individual employees are based on performance evaluation, demonstrated commitment to the strategies and objectives of the municipality, and dedication to quality public service.

50. Council has the responsibility and authority to approve salary scale increments for the CAO position.
51. The CAO has the responsibility and authority to approve salary scale increments for all other employees of the municipality.
52. The CAO, in consultation with the Human Resources Administrator, has the responsibility and authority for initial placement of that new employee at the appropriate level on the salary scale. This placement will be based on the following factors:
 - a) the academic qualifications, training, and skill achievements of the new employee compared to those set out in the position description as being required or desirable; and
 - b) market conditions and market demands for candidates.
53. The CAO may consider making changes to the approved classification system or salary scales in consultation with directors and managers.
54. In some cases the CAO may agree in advance that attainment of specific career track goals or assumption of increased responsibilities will result in a specified salary scale change.
55. The municipality shall annually consider an increase to all non-union employee salary scales in consideration of cost of living changes.

Overtime

(For non-union employees other than Managers and Directors)

56. The municipality shall endeavor to maintain appropriate staffing levels for the management, administration and operations of the municipality so as to minimize overtime requirements.
57. Management and employees should be mindful of the need to reduce and contain costs while striving to maintain and improve the quality and effectiveness of services. Accordingly, it is incumbent upon all staff to first question the necessity of overtime, while exercising critical judgement concerning the issues of productivity, cost and customer service.
58. Supervisors have the authority to approve all overtime and time off in lieu in accordance with the provisions of this policy and the county's standard operating procedures, subject to budget limitations.
59. Time off in lieu of overtime pay shall be used to the greatest extent possible.

(For Managers and Directors)

60. Managers and directors may be required to work a reasonable number of hours outside normal office hours without additional compensation as required to ensure the responsibilities of those positions are performed.
61. Directors and managers may be provided time off in lieu on a straight time basis for attending meetings outside of their normal work hours when the meeting exceeds two (2) hours in duration.
62. Directors and managers may be compensated on a straight time basis for other work

activities outside regular hours, at the discretion of the CAO.

Paid Holidays

63. The following are recognized as paid holidays:

- a) New Year's Day
- b) Nova Scotia Heritage Day
- c) Good Friday
- d) Easter Monday
- e) Victoria Day
- f) Canada Day
- g) Civic Holiday / Natal Day
- h) Labour Day
- i) National Day for Truth and Reconciliation
- j) Thanksgiving Day
- k) Remembrance Day
- l) Christmas Eve
- m) Christmas Day
- n) Boxing Day

and any other day declared or proclaimed as a holiday by the Employer.

64. When Christmas Day falls on a Wednesday, Thursday, Friday or Saturday, the municipality shall grant each employee one-half day holiday with pay on Christmas Eve. When Christmas Day falls on a Tuesday, the municipality shall grant each employee a full day holiday with pay on Christmas Eve.

65. An employee shall be paid for a holiday in accordance with the *Labour Standards Code*.

66. An employee shall be paid for a holiday if the employee has received or is entitled to receive pay for at least 15 days during the 30 calendar days immediately preceding the non-statutory holiday and the employee has worked on the employees' scheduled day immediately preceding and immediately following the non-statutory holiday(s).

67. Municipal Offices will be closed to the public from the last working day before Christmas Day to New Year's Day without the requirement for employees to take this time from banked overtime or vacation time (as approved in May 2010 in lieu of pay increase).

Paid Vacations

68. All vacation entitlements shall be calculated based on the Municipality's fiscal year (April 1 to March 31), and shall be prorated in accordance with commencement, anniversary and end of employment dates.

69. Temporary or term employees shall receive vacation time or pay in lieu in accordance with the *Labour Standards Code* unless they have been provided additional benefits in an employment agreement with the Municipality.

70. Employees on leave of absence without pay do not accumulate vacation or sick leave entitlement.
71. Effective April 1, 2024, permanent full time employees and probationary employees hired after 1992 shall be entitled to vacation in accordance with the following schedule:
 - a) 1.25 days per month up to and including the fourth year of employment calculated from the employee's commencement date,
 - b) 1.67 days per month from the commencement of the fifth year of employment and up to and including the thirteenth year, and
 - c) 2.083 days per month from the commencement of the fourteenth year of employment up to and including the twentieth year, and
 - d) 2.5 days per month from the commencement of the twenty-first year and henceforth.
72. Employees hired in 1992 or before will continue to be entitled to one additional day per year of service to a maximum ten additional days.
73. Permanent part-time employees are eligible for vacation with pay on a pro-rata basis in accordance with the schedule above.
74. Paid holidays that occur during an employee's vacation leave are not deducted from an employee's vacation leave entitlement.
75. Any employee who leaves the employ of the Municipality during the fiscal year shall have their vacation entitlement prorated, and in the event vacation in excess of the prorated entitlement has been taken, the salary received for the excess shall be repaid to the Municipality.
76. Upon separation of employment for any reason, unused, earned vacation leave owing to an employee is to be paid at the regular rate of pay the employee received immediately prior to separation.
77. The Chief Administrative Officer, or someone designated or delegated to act on their behalf, has discretionary authority to recognize acceptable equivalent service in determining the accumulation of vacation leave entitlement of to be offered to new employees and such determination shall be explicitly stated in the employment agreement.

Pension and Group Insurance Plans

78. Any employee who has obtained a permanent position is eligible to participate in the Municipality's registered pension plan, subject to the requirements of that plan.
79. Any employee who has obtained a permanent position is eligible to participate in the Municipality's extended health, dental, life insurance, accidental death and dismemberment, and long term disability plans (subject to the requirements of those plans). Eligible employees are required to participate in the life insurance, accidental death and dismemberment, health and long term disability plans. If an employee's spouse has similar coverage, an employee may sign a waiver with respect to their

participation in health and dental coverage.

Bereavement Leave

80. Employees bereaved by the death of a family member will be granted time off from work, without loss of pay, in accordance with the following schedule and conditions:
 - a) In the event of a regular full-time or part-time employee's current spouse or partner, parent, brother, sister, grandchild, child (including those acquired through legal adoption) and the mother, father, brother, sister, grandchild or child of the employee's current spouse or partner, including current step relations, or any other person who at the time of their death resided with the Employee, the Employee shall be entitled to be absent from work for a period not to exceed five (5) consecutive working days.
 - b) In the event of a regular full-time or part-time Employee's grandparent, the grandparent of the Employee's spouse, aunt, uncle, the aunt or uncle of the Employee's spouse or partner, including current step relations, niece, nephew, the niece or nephew of the Employee's spouse or partner, the Employee shall be entitled to be absent from work for a period not to exceed two (2) consecutive working days.
81. All bereavement leave is subject to the approval of the supervisor to whom the employee reports.
82. When the funeral is held at considerable distance and the employee attends, a maximum of two additional days may be granted for travel at the discretion of the supervisor.
83. In the event additional time is necessary for compassionate purposes, an employee may request vacation, lieu time or additional days of unpaid leave and such days may be granted at the same time as the initial leave at the discretion of the Chief Administrative Officer.

Sick Leave

84. The Municipality allows employees to earn and accumulate sick leave benefits ("sick leave") in order to provide some protection against loss of pay:
 - a) in the case of long term incapacity, during the period between cessation of work and commencement of other benefits, plans or insurance; and
 - b) in the case of short term inability to work due to illness, injury or the need to obtain medical treatment.
85. Normally all sick leave earned will not be used in short term situations and, with the passage of time, employees will accumulate the maximum allowable in order to give them protection in the event of serious and extended health problems.
86. Employees shall earn sick leave at the rate of one and one-half days per month worked. Unused sick leave can be accumulated to a maximum of one hundred twenty (120) days [short term sick leave bank].
87. Permanent part-time employees shall earn sick leave credits on a pro-rated basis of twelve (12) hours per 173 hours worked. The maximum accumulation will be one

hundred twenty (120) days (hours pro-rated to 120 working days) [short term sick leave bank].

88. An employee may take no more than one hundred twenty (120) consecutive paid sick days.
89. An employee who has a specialist, dental or medical appointment and provides documentation to that effect shall be entitled to use sick days from their sick leave bank to attend such appointments provided the employee has banked those days.
90. In the case where an employee is considered to be using a habitual, unusual or excessive amount of sick time, the municipality reserves the right to require written reports from the employee and a physician / medical professional.
91. It is the responsibility of the employee to make arrangements for the needs during illness or injury of a person dependent on the employee for care. When no one other than the employee can provide these needs, an employee shall be allowed to use up to five (5) days leave with pay in any one fiscal year. Such leave shall be charged against and only available to the extent of available earned or accumulated sick leave. The employee also has the option to use vacation leave for such purposes.
92. Abuse of sick leave benefits is subject to corrective action up to and including dismissal.
93. No payment shall be made for accumulated sick leave upon retirement or if an employee separates for any reason.

Return to Work

94. The County of Annapolis supports early intervention and gradual return to work practices (such as modified duties or hours) to allow employees to return to work while they recover from an injury or illness.
95. Human Resources Administrator shall support and facilitate the early and safe return to work of the employee by:
 - (a) contacting the employee as soon as possible after the injury / illness occurs and maintaining communication throughout the period of the worker's recovery;
 - (b) coordinating suitable return to work arrangements that are consistent with the worker's functional abilities and that, when possible, restores the employee's pre-injury earnings;
 - (c) keeping the CAO and the employee's supervisor informed of the employee's recovery; and
 - (d) doing such other things as may be prescribed by legislation.
96. The employee shall co-operate in their early and safe return to work by:
 - (a) contacting the Human Resources Administrator as soon as possible after the injury or illness occurs and maintaining communication in a timely manner throughout their period of recovery;

- (b) cooperating to identify suitable return to work arrangements, tasks, hours and conditions consistent with the worker's functional abilities and that, when possible, restores their pre-injury earnings;
 - (c) arranging for and providing such reports from their medical professional as are requested in a timely manner; and
 - (e) doing such other things as may be prescribed under this policy or other relevant legislation.
97. The Administrator may contact the employee to obtain an update on the progress of their recovery and to offer assistance to enable the employee's return to work.
98. The Administrator may contact the employee's medical professional to obtain an update on the progress of the employee's recovery and to offer assistance to enable the employee's return to work. Any associated cost shall be borne by the municipality.
99. The County shall accommodate the tasks, hours or the workplace location for the employee to the extent that the accommodation does not cause undue hardship.

Maternity / Parental Leave

100. The Municipality shall grant such maternity and paternity leave as is prescribed by federal and provincial regulations.
101. The municipality shall continue to cost-share on benefits for any employee that is on maternity or paternity leave provided that the employee on leave contributes the employee share of the required premiums. Such premiums may be deducted in advance of the leave or paid during the leave by pre-authorized payment. Payment arrangements must be made in advance through Finance and Payroll Clerk to ensure there is no interruption to employee benefits coverage.
102. Employees on Parental Leave will receive a top-up payment of their Parental Leave EI benefits for a period of up to sixteen (16) weeks to 70% of their weekly rate of pay. Top-up payments will be reduced by applicable deductions and any other earnings received by the Employee during the benefit period.

Leave Without Pay

103. Requests for leave without pay will be considered on a case-by-case basis and may be granted or refused at the sole discretion of the CAO.
104. The maximum cumulative amount of leave without pay that may be granted to an employee is six (6) months after an employee has been employed over three (3) years.

Compassionate / Critical Care Leave

105. The *Labour Standards Code* requires an employer to provide unpaid leave for employees providing care and support to injured or critically ill family members under certain circumstances.
106. Employees must give their employer as much notice as possible before taking such leave.
107. Depending on the employee's job description and length of leave, a temporary

employee may be hired to cover their tasks or another employee designated to temporarily cover their duties.

Emergency Service Volunteers Leave

108. The Municipality supports local volunteer emergency service providers and recognizes the contributions these organizations and their members make to the health, safety, and wellbeing of the public.
109. Volunteer Fire Departments, Ground Search and Rescue, Canadian Red Cross, St. John's Ambulance, Medical First Responders, EMO Responders, (including radio operators) and any other volunteer emergency response organizations approved in writing by the CAO are approved organizations for the purpose of Emergency Service Provider Leave.
110. Employees wishing to be eligible for Emergency Service Provider Leave must inform the Municipality in writing of their membership in an organization, and in advance of any such leave being taken pursuant to this policy.
111. Employees who are members of approved organizations, and who do not receive any remuneration relative to emergency response activities, will be permitted to respond to emergency situations as a member of the organization without loss of regular pay and benefits.
112. The Municipality reserves the right to require that an employee return to regular duties, notwithstanding that the emergency response may be ongoing.
113. Use of County-owned vehicles should be only for the purpose for which they are issued and they should not be deployed as emergency service vehicles.
114. The Municipality will grant up to ½ day leave from 8:30 a.m. to 12:00 p.m. with pay to an employee who is a volunteer emergency responder and who has been out on a call for more than two (2) hours between the hours of 12:00 a.m. and 6:00 a.m. the night before. Leave must be approved by the Department Manager.

Paid Volunteer Work Day

115. The Municipality supports and encourages employees to be members of registered charitable and not for profit organizations that provide services to the residents of the County of Annapolis.
116. The County will provide one (1) full day per fiscal year with pay for its employees to participate in such activities.
117. An employee's supervisor has the authority to approve this paid volunteer work day.
118. Employees must give their supervisor as much notice as possible before taking the leave.

Building or Facility Closures / Delayed Openings

Definitions


119. Designated Services – Services determined by the Chief Administrative Officer to be

essential or necessary in their nature (e.g., snow removal; operation of water / wastewater treatment facilities; emergency management operations during periods of activation or declared emergency).


General

120. Employees are expected to make every effort to report for work and continue to work during their scheduled working hours. With the exception of those employees who provide designated services as defined in this policy, employees should assess their own ability to get to and from work safely and consult with their supervisor / manager. Employees may make alternate arrangements with the approval of their immediate supervisor / manager including approval to take paid time off (lieu time or vacation).
121. In the event that offices or worksites are closed due to extreme storm or hazardous conditions, employees who provide designated services are required to report to or remain at work, or be able to work from home or another safe location.
122. The decision to close municipal buildings or facilities will be the responsibility of the CAO (or designate). In recognition that weather and other conditions will differ from one location to another, it may be appropriate for worksites or facilities in one or more locations to close while others remain open. Factors that may contribute to the closure include: weather conditions or forecasts, pandemics, school or government office closures, road conditions, declared state of emergency and issuance of police / public health warnings.
123. In the event a building or facility is closed pursuant to the preceding section there will be no loss of pay or other benefits.
124. All employees shall be paid for their regularly scheduled hours of work during periods of office closures.
125. Those employees that choose to remain at work during such building closures or that may be required to work at home are not eligible to receive incremental pay or accumulate overtime during regular work hours.

Expense Reimbursement / Travel Allowances

126. The Municipality shall reimburse employees for allowable expenses incurred that are associated with employees carrying out the responsibilities of their positions.
127. All requests for reimbursement of expenses and travel allowances will be in accordance with ~~AM-1.8.1 Travel and Expenses Policy~~ **county policies**.- 

Use of Personal Vehicle for Work Travel

128. Whenever possible and practical, employees shall use county vehicles for travel.
129. Travel reimbursement rates are as set out in ~~AM-1.8.1 Travel and Expenses Policy~~ **county policies** and may be adjusted from time to time.- 
130. Employees who are working from an external location (i.e., flexible work arrangement / work from home) shall not be entitled to reimbursement for travel between the external site and their designated employer worksite.
131. Employees shall only be authorized to use their personal vehicle for carrying out county

business if they meet (and continue to meet) the following conditions:

- Possess a valid driver's license in good standing and valid for the type of motor vehicle being used;
- Vehicle is legally registered;
- Vehicle passes safety inspection and maintained as such;
- Current minimum automobile insurance is in place and maintained;

132. The municipality does not accept any liability under any circumstances for claims arising from the use of privately owned automobiles. Person(s) using privately owned automobile(s) for municipal business travel are responsible for ensuring: the automobile(s) is properly insured for such use; compliance with all relevant statutory requirements; and payment of insurance premiums.

133. Employees travelling for municipal business are considered to be at work. Regardless of the time the employee chooses to leave, they shall be considered as having left at the appropriate time. (For example: for a meeting in Halifax the following morning, an employee would be expected to leave after lunch. If an employee chooses to leave earlier, they will be expected to use vacation leave. If an employee chooses to leave after work, they will not accumulate overtime.) Travel on a Sunday for a Monday morning meeting will be compensated at straight time with time in lieu. Travel times will be subject to weather conditions at the discretion of the CAO.

Use of Municipally-Owned Vehicles / GPS

134. Any employee who has their driver's license revoked or suspended shall notify their supervisor immediately. In this circumstance, the employee shall immediately cease any use of personal vehicles for work travel.

135. Driver's abstracts must be obtained and provided to the county upon request.

136. All employees are required to comply with all laws and regulations related to the operation of motor vehicles, as well as county policies.

137. The employer shall not be responsible for any fines or charges resulting from negligent or illegal operation of municipal vehicles by an employee.

138. Personal use of county vehicles is not permitted.

139. The County's commitment to highway safety and employee welfare, in addition to the wellbeing of the general public, are the primary reasons for utilization of GPS tracking on all municipally-owned vehicles.



140. GPS units in County vehicles will monitor:

- Speed of travel
- Time vehicle is spent idling
- Location of the vehicle at stops
- Seat Belt Use
- Vehicle Mileage
- Acceleration and Deceleration

- Rapid starts or hard braking
- Erratic driving
- Engine and battery health

141. GPS tracking devices will enable the County to monitor employee compliance.
142. Employee driving habits, patterns, and usage shall be reviewed regularly.
143. IT personnel are responsible for installing GPS Tracking units in county vehicles. Any tampering, or attempts to remove or disable the GPS equipment is prohibited and such actions will be subject to disciplinary action up to and including termination.

Problem Resolution and Complaint Process

144. ~~AM-2.8.9~~ *Respectful Workplace Policy* applies to all employees of the Municipality. Any employee who believes they have been subjected to harassment or abuse in the workplace is encouraged to use the procedure set out herein to resolve such problem and can do so without fear of recrimination. 
145. ~~AM-2.4.3~~ *Whistleblower Policy* applies to all employees of the Municipality. Any employee who believes any situation affecting them in the workplace is unjust or inequitable is encouraged to use the procedure set out herein to resolve such problem and can do so without fear of recrimination. 

Performance Review

146. The Municipality is committed to supporting employees to perform and grow in their current and future roles through effective performance management. A key element of performance management is the alignment of individual and team goals with department business planning to support government priorities.
147. Employee performance must be formally reviewed in relation to the employee's goals and expected results.
148. Each employee will have a performance planning and development review conducted annually, or on a change of position or appointment, or more frequently as required.
149. A performance planning and development review must be documented using the Performance Planning and Development Form developed by Human Resources. This form establishes goals jointly by the supervisor and employee to provide a clear understanding of goals and expected results.
150. Individual employee goals must be based on SMART objectives (specific, measurable, attainable, relevant, time-based) and linked to the County's strategic priorities.
151. Employees must be given the opportunity in the formal review to discuss, comment, and sign the form according to this policy and applicable collective agreements.
152. Once the Performance Planning and Development Form is finalized, employees will be provided with a signed copy of the form. Managers / supervisors must file the original signed Performance Planning and Development Forms in the employee personnel

record at the end of the performance cycle.

Repeal of Previous Policies

153. This policy repeals and replaces the following municipal policies:

- *AM-2.1.1 Daily Work Schedule Policy*
- *AM-2.1.2 Bereavement Leave Policy*
- *AM-2.1.3 Statutory Holidays and Paid Holidays Policy*
- *AM-2.1.4 Vacation Leave Policy*
- *AM-2.1.5 Sick Leave Policy*
- *AM-2.1.22 Inclement Weather / Unsafe Travel Conditions Policy*
- *AM-2.1.23 Office Worksite Closures Policy*
- *AM-2.2.3 Overtime Policy*
- *AM-2 5 2 Employee Training and Development Policy*
- *AM-3.2.1 Hiring Policy*

Effective Date

154. This policy is effective upon adoption.

155. *Policy 102 Personnel*, approved on September 19, 2023, is hereby repealed.

Municipal Clerk's Annotation for Official Policy Book	
I certify that this policy was approved by Municipal Council as indicated below:	
Seven (7) Day Notice.....	PENDING
Council Approval	PENDING
 <i>Carolyn Young</i> Municipal Clerk	 <u>PENDING</u> Date
At Annapolis Royal Nova Scotia	



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Dawn Campbell, Director of Corporate Services
Report Number: **SR2024-75 Repeal AM-1.2.2 Indemnification of Elected Officials Policy**
Subject: Repeal *AM-1.2.2 Indemnification of Elected Officials Policy*

RECOMMENDATIONS

That Municipal Council repeal *AM-1.2.2 Indemnification of Elected Officials Policy* [7-day notice].

LEGISLATIVE AUTHORITY

Sub-section 47(1) of the *Municipal Government Act* states:

The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Sub-section 48(1) of the *Municipal Government Act*:

Before a policy is passed, amended or repealed the council shall give at least seven days' notice to all council members.

BACKGROUND

The policy recommended for repeal was enacted in July 2017.

DISCUSSION

Municipalities governments are created and empowered by provincial statutes. Accordingly, in Nova Scotia, municipalities can only exercise power or authority explicitly conferred upon them by the *Municipal Government Act*. This policy does not state a legislative authority upon which it is based. No legislative authority can be found for this policy.

FINANCIAL IMPLICATIONS

There are no known financial implications resulting from this new policy.

POLICY IMPLICATIONS

Repeal of this policy does not impact other existing policies.

ALTERNATIVES / OPTIONS

- None

COMMUNICATION

Normal statutory requirements (7-day notice prior to approval by council)

ATTACHMENTS

AM-1.2.2 Indemnification of Elected Officials Policy (for repeal)

Approved by:

Chris McNeill
Chief Administrative Officer

Approval Date:

NOVEMBER 6, 2024
(Date)

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		AM - 1.2.2
Section Procedure & Organization of Council	Subject Indemnification of Elected Officials Policy	

For Repeal

General Statement of Policy

1. It shall be the policy of the Municipality of the County of Annapolis to provide indemnity and liability protection for elected officials of the Municipality of the County of Annapolis.

Definitions

2. "County of Annapolis" means the Municipality of the County of Annapolis, a body corporate under the provisions of the *Municipal Government Act*.
3. "Elected Official" means a current or former member of the Council of the Municipality of the County of Annapolis.

Objectives of Policy

4. The objective of the Policy, subject to the exceptions and limitations set out herein, is to ensure that Elected Officials are adequately protected in all cases where a civic or criminal action is brought or a complaint is made against an elected official as a result of or related to the performance of his / her duties.

Exceptions

5. The Policy shall not apply and the County of Annapolis shall not provide indemnity and liability protection for an Elected Official in cases where the civic or criminal action is brought or a complaint is made against an Elected Official by the County of Annapolis.
6. The Policy shall not apply and the County of Annapolis shall not provide indemnity and liability protection for an Elected Official in cases where the civic or criminal action is brought or a complaint is made against the County of Annapolis by the Elected Official.

Indemnity & Limitations

7. The County of Annapolis shall indemnify its Elected Officials against any amount required or incurred:
 - (a) to defend an action or prosecution brought against an Elected Official in connection with the exercise or intended exercise of the person's powers or the performance or intended performance of the person's duties or functions; and
 - (b) to satisfy a judgement, award or penalty imposed in an action or prosecution referred to in paragraph (a);

except where the claim arises out of the dishonesty, gross negligence or malicious or wilful misconduct of the Elected Official or acting outside of his / her authority as determined by a Court of competent jurisdiction.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		AM - 1.2.2
Section Procedure & Organization of Council	Subject Indemnification of Elected Officials Policy	

For Repeal

8. The County of Annapolis shall not seek indemnity against or from an Elected Official in respect of any conduct of the Elected Official that results in a claim of damages against the County of Annapolis except in those cases there where the claim arises out of the dishonesty, gross negligence or malicious or wilful misconduct of the Elected Official or acting outside of his / her authority as determined by a Court of competent jurisdiction.
9. Where indemnity under this Policy is or may be claimed by an Elected Official, the Elected Official shall immediately, upon receipt of same, forward to the Chief Administrative Officer, every statement of claim, notice of action, writ, letter or document relating to the claim against them in respect of which indemnity is or may be claimed under this Policy.
10. Where indemnity under this Policy is or may be claimed by an Elected Official, such Elected Official shall not:
 - (a) voluntarily assume any liability or settle any claim except at their own cost and no indemnification shall be paid in relation thereto;
 - (b) interfere with the County of Annapolis in any negotiation, settlement or in any legal proceedings with respect to the claim;

and wherever requested by the County of Annapolis shall:

 - (c) aid in the securing of information and evidence and the attendance of witnesses and shall themselves give evidence and cooperate with the County of Annapolis in the defence of any action or proceeding or in the prosecution of any appeal taken by the County of Annapolis on behalf of the Elected Official.
11. Compliance by Elected Officials with the provisions of this Policy constitutes a condition precedent to the County of Annapolis' liability to indemnify Elected Officials as provided in this Policy.
12. The County of Annapolis' liability to indemnify Elected Officials extends only to that portion of any damages or costs that are in excess of any insurance coverage to which an Elected Official is entitled in respect of the claim in question.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		AM - 1.2.2
Section Procedure & Organization of Council	Subject Indemnification of Elected Officials Policy	

For Repeal

Procedure

13. The Chief Administrative Officer shall be responsible for the engagement of legal counsel on behalf of the Elected Official and, whenever reasonably possible, the Chief Administrative Officer shall consult with the Elected Official regarding what counsel is to be retained at the expense of the County of Annapolis and the terms and conditions of such retainer.
14. The Elected Official shall have the right to retain any additional counsel of his / her choice, at his / her own expense.

Municipal Clerk's Annotation for Official Policy Book I certify that this policy was adopted by Municipal Council as indicated below: Seven (7) Day Notice June 20, 2017 Council Approval July 18, 2017	
<u>Carolyn Young</u> Municipal Clerk	<u>July 18, 2017</u> Date
At <u>Annapolis Royal</u> Nova Scotia	



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Dawn Campbell, Director of Corporate Services
Report Number: **SR2024-76 Approve Policy 120 – Code of Conduct for Elected Officials**
Subject: Approve *Policy 120 Code of Conduct for Elected Officials*

RECOMMENDATIONS

That Municipal Council approve *Policy 120 Code of Conduct for Elected Officials* as circulated [7-day notice].

LEGISLATIVE AUTHORITY

Sub-section 47(1) of the *Municipal Government Act* states:

The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Sub-section 48(1) of the *Municipal Government Act*:

Before a policy is passed, amended or repealed the council shall give at least seven days' notice to all council members.

Section 23(A) of the *Municipal Government Act* provides for a code of conduct for municipal elected to be established by each municipality.

BACKGROUND

Recently the Province released a code of conduct for municipal elected officials. The code was developed based on recommendations of a working group established in January 2022. The group was comprised of representatives from the Department of Municipal Affairs and Housing, Nova Scotia Federation of Municipalities, Association of Municipal Administrators of Nova Scotia, and Association of Nova Scotia Villages.

DISCUSSION

Recently the Province provided *Regulations Respecting a Code of Conduct for Municipal Elected Officials*. They require that a municipality must adopt the model code of conduct on or before December 19, 2024, and provide a notice to the Minister confirming their adoption.

FINANCIAL IMPLICATIONS

The *Code of Conduct* requires the hiring of an investigator to receive and adjudicate complaints. This person must be knowledgeable in applying the principles of natural justice and procedural fairness. Depending on the number of complaints received, this could require in excess of \$100,000 in additional legal fees each year.

ALTERNATIVES / OPTIONS

- None

COMMUNICATION

Normal statutory requirements:

7-day notice to approve policy (Committee of the Whole)

Approval by Municipal Council 7 days or more after notice is provided

ATTACHMENTS

Policy 120 Code of Conduct for Elected Officials (new)

Approved by:



Chris McNeill
Chief Administrative Officer

Approval Date:

NOVEMBER 6, 2024
(Date)

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

1. Title

The title of this policy is the *Code of Conduct for Elected Officials of the Municipality of the County of Annapolis*.

2. Authority for Policy

Section 520(1), *Municipal Government Act*

3. Definitions

In this policy, the following definitions apply:

"*Act*" means the *Municipal Government Act*;

"*CAO*" means chief administrative officer;

"*clerk*" means the clerk of the municipality;

"*closely connected*" to a council member, means any of the following:

- (i) a family member of the council member,
- (ii) an agent of the council member,
- (iii) a business partner of the council member,
- (iv) an employer of the council member.

"*Code*" means the Code of Conduct for Elected Officials of the Municipality of the County of Annapolis;

"*complaint*" means a complaint regarding an alleged breach of the Code;

"*confidential information*" includes any information in the possession of the municipality that the municipality is prohibited from disclosing pursuant to legislation, court order or by contract, or is required to refuse to disclose under Part XX of the Act or other legislation, or that pertains to the business of the municipality and is generally considered to be of a confidential nature, including information about any of the following:

- (i) the security of the municipality's property,
- (ii) a proposed or pending acquisition or disposition of land or other property,
- (iii) a tender that has or will be issued but that has not been awarded,
- (iv) contract negotiations,
- (v) employment and labour relations,
- (vi) draft documents and legal instruments, including reports, policies, bylaws and resolutions, that have not been deliberated in a meeting open to the public,

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

- (vii) law enforcement matters,
- (viii) litigation or potential litigation, including matters before administrative tribunals,
- (ix) advice that is solicitor-client privileged.

"council" means the council of the municipality;

"discrimination" has the same meaning as in the Human Rights Act;

"elected official" means any council member, including the mayor or warden;

"family member" means in relation to a person, any of the following, and includes a step-family member:

- (i) spouse,
- (ii) parent or guardian,
- (iii) child,
- (iv) sibling,
- (v) sibling of a parent,
- (vi) child of a sibling,
- (vii) grandchild,
- (viii) grandparent,
- (ix) parent-in-law,
- (x) sibling-in-law,
- (xi) spouse of a child;

"harass" has the same meaning as in the *Human Rights Act*;

"investigator" means a person or entity appointed by a municipality under subsection 23C(1) of the *Act* to receive and investigate complaints;

"mayor" means the council member elected at large to be the chair of the council;

"municipality" means the regional municipality, town or county or district municipality, except where the context otherwise requires;

"poisoned environment" means an environment where harassing or discriminatory conduct causes significant and unreasonable interference with a person's work environment;

"sexual harassment" has the same meaning as in the *Human Rights Act*;

"warden" means the council member chosen by the council to be the chair of the council.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

4. General purpose

- (1) The purpose of this Code is to set out the expectations for the behaviour of members elected to council in carrying out their functions and making decisions that benefit the constituents in their municipality.
- (2) Nothing in this Code is intended to prevent elected officials from sharing or expressing dissenting opinions.

5. Interaction with laws and policies

- (1) This Code is intended to operate together with, and as a supplement to, the applicable common law, the *Criminal Code* of Canada, the *Act*, the *Municipal Conflict of Interest Act* and any other applicable legislation.
- (2) This Code is intended to operate together with, and as a supplement to, the other bylaws and policies of a municipality.
- (3) This Code prevails in any conflict between the Code and any municipal resolution, policy or bylaw.

6. Guiding principles

All of the following are the guiding principles for council members' conduct:

Collegiality: council members must work together to further the best interests of the municipality in an honest and honourable way.

Respect: council members must demonstrate respect towards one another, the democratic decision-making process and the role of staff. Council members must not act in a manner that negatively impacts the municipality or tarnishes the municipality's reputation.

Integrity: council members must act lawfully and adhere to strong ethical principles by prioritizing the municipality's interests over individual interests.

Professionalism: council members must create and maintain an environment that is respectful and free from all forms of discrimination and harassment, including sexual harassment. Council members must show consideration for every person's values, beliefs and contributions, and support and encourage others to participate in council activities.

Transparency: council members must be truthful and open about their decisions and actions and make every effort to accurately communicate information openly to the public.

Responsibility: council members are responsible for the decisions that they make and must be held accountable for their actions and outcomes. Council members must demonstrate awareness of their own conduct and consider how their words or actions may be perceived as offensive or demeaning.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

7. General conduct

- (1) A council member must be truthful and forthright and not deceive or knowingly mislead Council, the CAO, staff or the public.
- (2) A council member must show respect for chairs of council meetings, chairs of committee meetings, colleagues, staff and members of the public that present during council meetings or other meetings of the municipality.
- (3) A council member must adhere to the direction of the chairs of meetings with respect to rules of procedure.
- (4) A council member must conduct council business and all duties in an open and transparent manner, other than for those matters that council is authorized by law to carry out in private.
- (5) A council member must not be impaired by alcohol or drugs while attending any council meeting or other meeting of the municipality.
- (6) A council member must comply with any sanction imposed under this Code, and failing to comply with a sanction imposed is considered a breach of the Code.

8. Confidential information

- (1) A council member must not disclose or release any confidential information to the public in oral, written or any other form, other than when required by policy or law or authorized by the council to do so.
- (2) A council member must not use confidential information for personal or private gain or for the private gain of any other person or entity.
- (3) A council member must not access or attempt to access confidential information in the custody of the municipality unless the information is necessary for the performance of their duties and its access is not prohibited by legislation or by the bylaws or policies of the municipality.
- (4) A council member must not discuss any matters relating to an active investigation under the Code with anyone other than the investigator or their own legal counsel, unless required by law.

9. Gifts and benefits

- (1) A council member must not accept a fee, advance, cash, gift, gift certificate or personal benefit that is connected directly or indirectly with the performance of their duties of office, other than the following exceptions:
 - (a) gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

- (b) a suitable memento of a function honouring the council member;
- (c) sponsorships and donations for community events organized or run by a council member or by a third party on behalf of a council member;
- (d) compensation authorized by the municipality.
- (2) A fee, advance, cash, gift, gift certificate or personal benefit paid or provided to a person closely connected to a council member, with the council member's knowledge, is deemed to be a gift to the council member.

10. Use of municipal property, equipment and services

- (1) A council member must not use, or request the use of, any municipal property, including surplus material or equipment, for personal convenience or profit, unless the property meets 1 of the following:
 - (a) it is generally available for use by the public and the council member is receiving no special preference in its use;
 - (b) it is made available to the council member in the course of carrying out council activities and duties, and is used for purposes connected with the discharge of municipal duties.
- (2) A council member must not obtain, or attempt to obtain, personal financial gain from the use or sale of intellectual property developed by the municipality.
- (3) A council member must not use information, or attempt to use information, gained in the course of their duties that is not available to the general public for any purposes other than carrying out their official duties.
- (4) A council member, or a person closely connected to a council member, must not tender on the sale of surplus municipal property, including old or extra equipment.

11. Building, development, planning, or procurement proposals before council

A council member must not solicit or accept support in any form from an individual, group or corporation with any building, development, planning or procurement proposal before council.

12. Improper use of influence

A council member must not use the influence of their office for any purpose other than for the exercise of their official duties.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

13. Business relations

- (1) A council member must not allow any prospect of their future employment by a person or entity to affect the performance of their duties to the municipality.
- (2) A council member must not borrow money from any person who regularly does business with the municipality, unless the person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.
- (3) A council member must not act as an agent of a person or entity before council or a committee of council or any agency, board or committee of the municipality.

14. Employment of persons closely connected to council members

- (1) A council member must not attempt to influence any municipal employee to hire or promote a person closely connected to the member.
- (2) A council member must not make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any person closely connected to the member.

15. Fairness

- (1) A council member must not give special consideration, treatment or advantage to any individual or entity beyond that which is given to all.
- (2) A council member must not give special consideration, treatment or advantage to an organization or group because the council member, or a person closely connected to the member, is involved with the organization or group.

16. Adherence to policies, procedures, bylaws and other laws

- (1) Council members must adhere to all applicable federal and provincial legislation.
- (2) Council members must adhere to the procedures, resolutions, policies and bylaws of the municipality.
- (3) Council members must adhere to the expense and hospitality policy of the municipality.

17. Respect for council as a decision-making body

- (1) A council member must abide by, and act in accordance with, any decision made by council, whether or not the member voted in favour of the decision.
- (2) A council member must not encourage non-compliance with any legislation, regulation, bylaw, resolution, policy or procedure.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

18. Communicating on behalf of council

- (1) A council member, other than the mayor or warden, must not claim to speak on behalf of council unless the council member is authorized to do so.
- (2) The mayor, warden or an individual designated by council may speak on behalf of council and must make every effort to convey the intent of council's decision accurately.

19. Interaction of council with staff and service providers

- (1) A council member must respect the role of the CAO as head of the administrative branch of the municipality's government and must not involve themselves directly in the administration of the affairs of the municipality, including, without limitation, the administration of contracts.
- (2) A council member must not direct, or attempt to direct, the CAO or clerk other than through a direction provided by the council as a whole.
- (3) A council member must be respectful of the role of the CAO and municipal employees to advise based on political neutrality and objectivity and without undue influence from any individual member or group of the council.
- (4) A council member must not direct or influence, or attempt to direct or influence any municipal employees in the exercise of their duties or functions, unless council is fulfilling the responsibilities of the CAO under clause 29(a) of the *Act*, and unless council as a whole has provided direction regarding same.
- (5) If a CAO has been appointed under Section 28 of the *Act*, a council member must not direct municipal employees except through the CAO.
- (6) Contractors, tenderers, consultants or other service providers to the municipality must not be issued instructions by council members
 - (a) if a CAO has been appointed under Section 28 of the *Act*; or
 - (b) unless council is fulfilling the responsibilities of the CAO under clause 29(a) of the *Act* and council as a whole has provided direction regarding same.
- (7) A council member must not require or request that a municipal employee undertake personal chores or tasks for the member that are unrelated to municipal business.
- (8) A council member must not make public statements that are critical of specific or identifiable municipal employees or service providers.

20. Respectful interactions

- (1) A council member must not engage in discrimination or harassment as prohibited by the *Human Rights Act*.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

- (2) A council member must not sexually harass any person.
- (3) A council member must not engage in any discriminatory or harassing action or conduct, verbal or non-verbal, directed at 1 or more individuals or groups that creates a poisoned environment.

21. Appointment of Investigator by Municipality

- (1) The municipality must hire an investigator to receive and adjudicate complaints. This person must be knowledgeable in applying the principles of natural justice and procedural fairness.
- (2) The investigator's contact information must be publicly accessible on the municipal website.
- (3) The municipality must ensure no conflict of interest exists between the investigator and the parties involved in a complaint.
- (4) The investigator must protect confidentiality of parties involved in a complaint to the greatest extent possible.

22. Complaint and Investigation Process

- (1) A complaint must be made to an investigator no later than 6 months after the date that the complaint is discovered.
- (2) An investigator must notify the Chief Administrative Officer whenever a complaint is received.
- (3) The investigation shall be conducted in accordance with timelines and procedures provided in *Municipal Government Act* and *Regulations Respecting a Code of Conduct for Municipal Elected Officials*.
- (4) After receiving the investigator's report and hearing submissions from any council member who is the subject of the complaint, council must determine if a breach occurred.

23. Sanctions

- (1) A council must consider all of the following criteria before imposing a sanction on a council member for contravention of *Code*:
 - (a) the nature of the contravention;
 - (b) the length or persistence of the contravention;
 - (c) whether the council member's contravention was intentional;
 - (d) whether the council member has taken steps to remedy the contravention;
 - (e) whether the council member has previously contravened the *Code*;

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

- (f) any external factors that are relevant to the council member's contravention, including personal and health issues;
 - (g) the resources necessary to fulfilling the council member's responsibilities as a council member.
- (2) Sanctions to be imposed by council are in accordance with Section 23(D) of the *Act* and may include one or more of the following:
- (a) letter of formal reprimand or warning;
 - (b) requirement council member provide letter acknowledging their contravention and an apology no later than 15 days after the date council imposes the sanction;
 - (c) requirement that council member attend training appropriate to address action of conduct that contravened the *Code*;
 - (d) public censure;
 - (e) limit on council member's access to certain local government facilities, equipment or property;
 - (f) suspension or removal of council member as deputy head of council or chair of any committee;
 - (g) suspension or removal of council member, for period no longer than 6 months, from some or all municipal committees or boards;
 - (h) limit council member's participation on behalf of municipality;
 - (i) limit council member's travel or expense reimbursement on behalf of municipality;
 - (j) fine of up to \$1,000 per contravention of *Code* that must be paid no later than 6 months after date council imposes sanction;
 - (k) reduction in council member's remuneration for a period no longer than 6 months;
 - (l) requirement council member repay any direct monetary loss realized by municipality as a result of council member's contravention in amount determined by investigator;
 - (m) requirement council member repay any direct monetary gain they obtained as a result of their contravention in amount determined by investigator.
- (3) A council member who is determined by council to have contravened the *Code* must complete additional Code of Conduct training.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	120
Section Procedure & Organization of Council	Subject Code of Conduct for Elected Officials

24. Reprisals

A council member must not undertake any act of reprisal or threaten reprisal against a complainant in a matter under this Code or any person providing relevant information in relation to a matter under this Code.

25. Repeal

Code of Conduct for Municipal Councillors, adopted by Municipal Council of the County of Annapolis on April 16, 2013 and amended on November 15, 2016, is hereby repealed.

Municipal Clerk's Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
Seven (7) Day Notice	PENDING
Council Approval	PENDING
 _____	<u>PENDING</u>
Municipal Clerk	Date
At Annapolis Royal Nova Scotia	



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Dawn Campbell, Director of Corporate Services
Linda Bent, Director of Planning & Inspection Services
Report Number: **SR2024-77 Approve Policy 112 Area Advisory Planning Committee Policy**
Subject: Approve *Policy 112 Area Advisory Planning Committee Policy*
AMEND

RECOMMENDATION

To recommend that Municipal Council approve *Policy 112 Area Advisory Planning Committee Policy*, seven-day notice.

BACKGROUND

Policy 112 Area Advisory Planning Committee was approved April 17, 2024, and was created to be more clear and concise. It also consolidated the previous policies by setting out membership requirements for area advisory committees and provided clarity to the purpose and role of the area advisory committee.

DISCUSSION

The new policy has been adapted to reflect when area advisory committees will provide input on review of the secondary planning strategies and land use bylaws in their specific area. The new policy amends *Policy 112 Area Advisory Planning Committee*.

LEGISLATIVE AUTHORITY

Section 201 of the *Municipal Government Act* states that

- (1) A municipality may establish, by policy, one or more area planning advisory committees to advise the planning advisory committee or joint planning advisory committee on planning matters affecting a specific area.
- (2) An area planning advisory committee shall include members of the public.
- (3) An area planning advisory committee, with jurisdiction over an area that includes all or part of a village, shall include at least one member appointed by the village commission.
- (4) The council shall appoint members of an area planning advisory committee by resolution.

BUDGET IMPACTS

The new policy imposes no new financial or budget impacts

COMMUNICATIONS

This approval will be posted on our social media sites, as well as our website.

ATTACHMENTS

Policy 112 Area Advisory Planning Committee (with changes marked)

Prepared by:

Policy - Dawn Campbell, Director of Corporate Services

Staff Report - Linda Bent, Director of Planning & Inspection Services

Approved by:



Chris McNeill
Chief Administrative Officer

Approval Date:

November 6, 2024
(Date)

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	POLICY 112
PLANNING AND DEVELOPMENT	Area Advisory Planning Committee

1. GENERAL

This policy is referred to as the “**Area Advisory Committee Policy**”.

2. AUTHORITY FOR POLICY

Section 201 of the *Municipal Government Act* states that

- (1) A municipality may establish, by policy, one or more area planning advisory committees to advise the planning advisory committee or joint planning advisory committee on planning matters affecting a specific area.
- (2) An area planning advisory committee shall include members of the public.
- (3) An area planning advisory committee, with jurisdiction over an area that includes all or part of a village, shall include at least one member appointed by the village commission.
- (4) The council shall appoint members of an area planning advisory committee by resolution.

3. DEFINITIONS

Terms used in this policy shall have the same meaning as in the *Municipal Government Act*, or as their context applies according to a dictionary of the Canadian language.

4. TERMS AND CONDITIONS

~~Persons appointed to this Committee shall normally be appointed for a two (2) year term beginning on November 1st immediately following each municipal election, and then two years thereafter, with no appointment ending until their successor is appointed.~~ **shall be appointed to Committee when a plan review is undertaken. The appointments shall end upon submission of the draft plan to Annapolis County Planning Advisory Committee.**



Council may, through a recommendation from the Nominating Committee, appoint replacement members should a member resign or become no longer eligible for appointment during the term of their appointment.

~~No person may be appointed for more than two consecutive terms.~~



Except as otherwise determined by statute, bylaw or policy, every person shall be qualified to be appointed as a citizen member who meets the qualifications of the *Citizen Appointments to Committees Policy*.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		POLICY 112
PLANNING AND DEVELOPMENT	Area Advisory Planning Committee	

Except to the extent that the chairperson is otherwise determined by statute, bylaw or policy, municipal council may appoint a person to serve as chairperson of the committee, upon recommendation of the Nominating Committee.

If municipal council does not appoint a chairperson, the committee shall elect a chairperson from one of its members.

Persons appointed to the Committee serve at the pleasure of Council.

5. QUORUM

A quorum for the committee shall consist of a majority of the members appointed to the committee by municipal council at the time of each meeting.

6. MEETINGS

The committee shall meet at such time and place as directed by the chairperson, or committee at a preceding meeting, by providing notice of all such meetings to all committee members and the public at least five (5) business days in advance of the meeting. This five-day notice provision does not apply to re-scheduled meetings due to weather, lack of a quorum at a meeting, or another deemed emergency need for a meeting by the chairperson.

All approved meeting minutes, and records of the committee shall be open to the public except as expressly prohibited by law, or not yet approved by the committee.

7. MEMBERSHIP

Membership on each area advisory committee shall consist of not more than four (4) members of council and not more than five (5) members of the public.


Public committee members should live or own property within their respective area advisory committees' geographic boundaries and represent a mix of residential and commercial interests.

If, during the course of a public members appointment, that person no longer resides within or owns land within the area advisory committees' geographic boundaries, that person shall cease to be qualified to be a member of the Committee upon the appointment of their replacement.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		POLICY 112
PLANNING AND DEVELOPMENT	Area Advisory Planning Committee	

8. PURPOSE AND ROLE

Area Advisory Committees shall carry out the following functions and no others unless specifically requested by municipal council to do so:

- a. ~~Review and~~ Provide input into **reviews of secondary planning strategies and land use bylaws** proposed amendments to ~~Municipal Planning Strategy and Land Use Bylaw~~ within their specific geographic area. 
- b. Participate in public information meetings related to **the review of specific secondary planning strategies and land use bylaws**, applications for proposed amendments to county-wide or their specific area Municipal Planning Strategy and Land Use Bylaw amendments.
- c. ~~When requested, provide reports and recommendations concerning the county-wide MPS and LUB in areas of requested review, including applications for re-zonings, text or bylaw amendments, development agreements, and site plan approvals that specifically affect their geographic area.~~
- d. **During a review of the secondary planning strategy and land use bylaw, hold regular meetings of their area advisory committee** ~~Plan and hold regular meetings of their Area Advisory Committee to review~~ community planning issues, new or changes to current developments, demographic or statistical reviews, and general plan updates.
- e. Acts in the best interest of the municipality, its communities and residents, and does not advocate for any changes, amendments, or adoption of documents, plans, or strategies that are personally beneficial where such changes are not in the best interest of the wider community.
- f. Area Advisory Committees are sub-committees of the Planning Advisory Committee (PAC) and shall submit all feedback and recommendations to PAC only.

9. RECOMMENDATIONS

In the event the Planning Advisory Committee fails to provide a report or recommendation to municipal council within any set deadline established by council; municipal council may proceed with a decision regarding a matter within the Committee's mandate without awaiting the committee report or recommendation.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		POLICY 112
PLANNING AND DEVELOPMENT	Area Advisory Planning Committee	

10. AREA ADVISORY COMMITTEES DESIGNATED

The following area advisory committees are hereby established with their respective boundaries contained within their specific area planning strategies and land use bylaws:

East End

Bridgetown Area

Habitation

Upper Clements

Cornwallis Park

11. REPEAL

AM-1.3.6.6 Bridgetown Area Advisory Committee Policy, AM-1.3.6.7 Cornwallis Park Area Advisory Committee Policy, AM-1.3.6.8 East End Area Advisory Committee Policy, AM-1.3.6.10 Habitation Community Area Advisory Committee Policy, and AM-1.3.6.16 Upper Clements Area Advisory Committee Policy, adopted by Municipal Council of the County of Annapolis on April 20, 2021, are hereby repealed.

Municipal Clerk's Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
Seven (7) Day Notice	PENDING
Council Approval	PENDING
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <p><i>Carolyn Young</i></p> <p>Municipal Clerk</p> <p>At <u>Annapolis Royal</u> Nova Scotia</p> </div> <div style="text-align: center;"> <p><u>PENDING</u></p> <p>Date</p> </div> </div>	



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2023
Prepared By: Dawn Campbell, Director of Corporate Services
Report Number: **SR2024-78 Approve Policy 122 – Ad Hoc Citizen Advisory Committees**
Subject: Approve Policy 122 Ad Hoc Citizen Advisory Committees

RECOMMENDATION

That Municipal Council approve *Policy 122 Ad Hoc Citizen Advisory Committees* as circulated [7-day notice].

LEGISLATIVE AUTHORITY

Sub-section 47(1) of the *Municipal Government Act* states:

The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Sub-section 48(3) of the *Municipal Government Act* further states:

In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

Sub-section 48(1) of the *Municipal Government Act*:

Before a policy is passed, amended or repealed the council shall give at least seven days' notice to all council members.

BACKGROUND

Policy 122 Ad Hoc Citizen Advisory Committees was approved in June 2024. It is intended as a guide for ad hoc citizen advisory committees established for a short time frame and with a specific purpose and mandate.

DISCUSSION

This policy is reviewed periodically to:

- Update outdated references to other policies,
- Ensure clarity,
- Ensure fulfills legislative / legal requirements.

Summary of changes as marked in revised policy attached:

Sub-section 3.1 delete:

3.1 Term of Appointment – *Except to the extent that the term of appointment is otherwise determined by statute, bylaw, policy or resolution, citizen members shall be appointed for two (2) years with the term commencing in December following each municipal general election or bi-annual election anniversary. Except as otherwise provided in this policy, no appointment shall cease until such time as a successor is appointed.*

This is not appropriate for a short-term committee with a limited mandate.

Section 4 add "with a specific purpose and mandate" for clarity as to its limited term and purpose.

Section 5 add "not exceeding one year," for clarity to limit the maximum time period until committee is disbanded.

Section 8 replace "AM-1.8.1-Travel and Expenses Policy" with "county policies" to update outdated reference to another policy.

FINANCIAL IMPLICATIONS

There are no known financial implications resulting from these amendments.

ALTERNATIVES / OPTIONS

- None

COMMUNICATION

Normal statutory requirements:

- 7-day notice to approve policy (Committee of the Whole)
- Approval by Municipal Council 7 days or more after notice is provided

ATTACHMENTS

Policy 122 Ad Hoc Citizen Advisory Committees (proposed changes as marked)

Approved by:


Chris McNeill
Chief Administrative Officer

Approval Date:

NOVEMBER 6, 2024
(Date)

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL		122
Section Procedure & Organization of Council	Subject Ad Hoc Citizen Advisory Committees	

GENERAL

1. This policy is entitled "*Ad Hoc Citizen Advisory Committees Policy*."

AUTHORITY FOR POLICY

2. Sections 22, 23, 24, 25, 26, 44, 200 and 345 *Municipal Government Act*, as amended

DEFINITIONS

3. Unless otherwise defined below, terms used in this policy shall have the same meanings as those defined in the *Municipal Government Act*.

3.1 Term of Appointment — Except to the extent that the term of appointment is otherwise determined by statute, bylaw, policy or resolution, citizen members shall be appointed for two (2) years with the term commencing in December following each municipal general election or bi-annual election anniversary. Except as otherwise provided in this policy, no appointment shall cease until such time as a successor is appointed.

PROVISIONS

4. From time to time Municipal Council may establish an Ad Hoc Citizen Advisory Committee **with a specific purpose and mandate** as deemed necessary and advisable to provide input on matters of timely consideration.
5. Such a committee shall be for a limited time period, **not exceeding one year**, as per its mandate determined by Municipal Council.
6. Except as otherwise determined by statute, bylaw or policy, every person shall be eligible to be appointed as a citizen member of an Ad Hoc Citizen Advisory Committee who meets the qualifications of *Policy 121 Citizen Appointments to Committees*.
7. Membership criteria may vary at the discretion of Council. (*Section 26 MGA*).
8. Ad hoc citizen advisory committees shall not be entitled to remuneration but will be reimbursed for travel expenses for up to two meetings per month at such rate as may be prescribed by municipal council in *AM-1.8.1 Travel and Expenses Policy* **county policies**.
9. Municipal Council may replace at any time committee members who resign or who, in Council's opinion, are unable or unwilling to discharge their duties.
10. Except to the extent that the chair is otherwise determined by statute, bylaw or policy, municipal council may appoint a person to serve as chair of the committee, after seeking the advice of the Nominating Committee.
11. If Municipal Council does not appoint a chair, the committee shall elect a chair from one of its members.

12. The chair shall be entitled to speak and to vote on any motion. Subject to the other provisions of this policy, the chair shall have the same powers and responsibilities at committee meetings that are conferred upon the chair at municipal council meetings pursuant to *Policy 116 Committees of Council and Council Meeting Procedures*, with any necessary modifications for context.
13. Except to the extent that the secretary is otherwise determined by bylaw or policy, the Chief Administrative Officer or his / her designate may appoint an employee of the County to serve as Secretary, with a voice but no vote.
14. If the Chief Administrative Officer or his/her designate does not appoint a secretary, the committee shall elect a secretary from one of its members, in which event the Secretary shall be a full voting member of the committee.
15. The secretary shall keep minutes of the committee meetings and ensure that the Municipal Clerk is provided with a signed copy of all approved minutes which are signed by the chairperson and recording secretary.
16. The committee shall meet at such time and place which it sets at a preceding meeting or at such other time and place as the Municipal Council, the Committee's Secretary, the Committee's Chair or a quorum of committee members may set by providing notice of meeting to all committee members at least 5 business days in advance.
17. The Secretary shall provide notice of meetings to the public by posting a "Notice of Committee Meeting" containing the time, date and place at the Administration Office in Annapolis Royal and the Planning Office in Lawrencetown.
18. Subject to any resolution of municipal council, the resources which may be utilized by the committee include:
 - (1) advice and support of the Chief Administrative Officer OR the Municipal Clerk or his or her designate;
 - (2) use of the county's facilities and supplies for meetings, arranged through the Secretary or the Municipal Clerk;
 - (3) such other resources as may reasonably be required, by arrangement through the CAO.
19. All meetings minutes, and records of the committee shall be open to the public except as expressly authorized by law.
20. The committee may meet in closed session to discuss matters relating to:
 - acquisition, sale, lease and security of municipal property;
 - setting a minimum price to be accepted by the municipality at a tax sale;
 - personnel matters;
 - labour relations;
 - contract negotiations;
 - litigation or potential litigation;

- legal advice eligible for solicitor-client privilege; and
 - public security.
21. No decision shall be made in closed session except a decision concerning procedural matters.
 22. A quorum of the committee shall be a majority (more than half) of the members appointed by Municipal Council at the time the meeting occurred.
 23. A committee member who, without leave of the committee, is absent from three consecutive regular meetings, ceases to be a member (Subsection 25(1), MGA).
 24. The secretary shall ensure that the Municipal Clerk is apprised immediately of any such circumstances which create a vacancy on any committee.
 25. A committee may make recommendations to Municipal Council regarding the allocation or expenditure of funds but no committee shall have the power to expend funds (*Sub-section 23 (c) MGA*).
 26. Subject to the other provisions of this policy, the rules of procedure, conduct and debate pursuant to *Policy 116 Committees of Council and Council Meeting Procedures* apply at committee meetings with any necessary modifications for context, except that no notices of reconsideration shall be permitted at committee meetings.
 27. In the event the committee fails to provide a report or recommendation to municipal council within any set deadline established by the council, municipal council may proceed with a decision regarding a matter within the committee's mandate without awaiting the committee report or recommendation.
 28. *AM-1.3.6 Advisory Committees and Boards Policy* is hereby repealed.
 29. *AM-1.3.6.1 Ad Hoc Citizen Advisory Committees Policy*, approved on April 20, 2021, is hereby repealed.

Municipal Clerk's Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
Seven (7) Day Notice	PENDING
Council Approval	PENDING
<i>Carolyn Young</i>	<u>PENDING</u>
Municipal Clerk	Date
At Annapolis Royal Nova Scotia	



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Dawn Campbell, Director of Corporate Services
Linda Bent, Director of Planning & Inspection Services
Report Number: **SR2024-79 Approve Policy 111 Annapolis County Planning Advisory Committee Policy**
Subject: Approve Policy 111 Annapolis County Planning Advisory Committee Policy AMEND

RECOMMENDATION

To recommend that Municipal Council approve *Policy 111 Annapolis County Planning Advisory Committee Policy*, seven-day notice.

BACKGROUND

Policy 111 *Annapolis County Planning Advisory Committee* was created April 16, 2024, as a stand-alone policy to replace *AM-1.3.6 Advisory Committees and Boards Policy*. Its purpose was to provide transparency and clarity to support the process of the Planning Advisory Committee that would be less confusing.

DISCUSSION

The amended policy has been adapted to address length of term and membership of the Planning Advisory Committee. It also allows for inclusion of the powers and duties of a Heritage Advisory Committee as set out in the Heritage Property Act. The new policy amends former Policy 111.

LEGISLATIVE AUTHORITY

Section 200(1) of the *Municipal Government Act* states that a municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the municipality.

Section 201(1) of the *Municipal Government Act* states that a municipality may establish, by policy, one or more area planning advisory committees to advise the planning advisory committee or joint planning advisory committee on planning matters affecting a specific area.

Section 12(5) of the *Heritage Property Act* states a municipality may provide by bylaw that the planning advisory committee shall be the heritage advisory committee of the municipality.

BUDGET IMPACTS

The new policy imposes no new financial or budget impacts.

COMMUNICATIONS

This approval will be posted on our social media sites, as well as our website.

ATTACHMENTS

Policy 111 Annapolis County Planning Advisory Committee (changes marked)

Prepared by:

Policy – Dawn Campbell, Director Corporate Services

Staff Report – Linda Bent, Director of Planning & Inspection Services

Approved by:



Chris McNeill
Chief Administrative Officer

Approval Date:

NOVEMBER 6, 2024
(Date)

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	POLICY 111
PLANNING AND DEVELOPMENT	Annapolis County Planning Advisory Committee

1. GENERAL

This policy is referred to as the “**Planning Advisory Committee Policy**”.

2. AUTHORITY FOR POLICY

Section 200(1) of the *Municipal Government Act* states that a municipality may, by policy, establish a planning advisory committee and may establish different planning advisory committees for different parts of the municipality.

Section 201(1) of the *Municipal Government Act* states that a municipality may establish, by policy, one or more area planning advisory committees to advise the planning advisory committee or joint planning advisory committee on planning matters affecting a specific area.

3. DEFINITIONS

Terms used in this policy shall have the same meaning as in the *Municipal Government Act*, or as their context applies according to a dictionary of the Canadian language.

4. TERMS AND CONDITIONS

Persons appointed to this Committee shall normally be appointed for a two (2) year term beginning on November 1st immediately following each municipal election, and then two years thereafter ~~with no appointment ending until their successor is appointed.~~



Council may, through a recommendation from the Nominating Committee, appoint replacement members should a member resign or become no longer eligible for appointment during the term of their appointment.

No person may be appointed for more than two consecutive terms.

Except as otherwise determined by statute, bylaw or policy, every person shall be eligible to be appointed as a citizen member who meets the qualifications in *Policy 121 Citizen Appointments to Committees*.

Except to the extent that the chairperson is otherwise determined by statute, bylaw or policy, municipal council may appoint a person to serve as chairperson of the committee, upon recommendation of the Nominating Committee.

If municipal council does not appoint a chairperson, the committee shall elect a chairperson from one of its members.

Persons appointed to the Committee serve at the pleasure of Council.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	POLICY 111
PLANNING AND DEVELOPMENT	Annapolis County Planning Advisory Committee

5. QUORUM

A quorum for the committee shall consist of a majority of the members appointed to the committee by municipal council at the time of each meeting.

6. MEETINGS

The committee shall meet at such time and place as directed by the chairperson, or committee at a preceding meeting, by providing notice of all such meetings to all committee members at least five (5) business days in advance of the meeting. This five-day notice provision does not apply to re-scheduled meetings due to weather, lack of a quorum at a meeting, or another deemed emergency need for a meeting by the chairperson.

All approved meeting minutes, and records of the committee shall be open to the public except as expressly prohibited by law, or not yet approved by the committee.

7. MEMBERSHIP

Membership on the committee shall consist of ~~all~~ four members of council as well as up to ~~three~~ four members of the public. 

8. PURPOSE AND ROLE

Planning Advisory Committee shall carry out the following functions and no others unless specifically requested by municipal council to do so:

- Review applications for development agreements, amendments to development agreements, re-zonings, text and bylaw amendments, and other planning matters that are required by law, and make recommendations to municipal council for amendments and / or adoption.
- Review draft Municipal Planning Strategies and Land Use Bylaws forwarded to the Committee by Area Advisory Committees or municipal staff and make recommendations to municipal council for amendment and / or adoption.
- Attends all meetings of the Planning Advisory Committee, completely reading all meeting materials prior to meetings, providing feedback and advice on reports, planning strategy and land use bylaw proposed changes, development agreements, and site plan applications where required.
- Attends all public information meetings and public hearings related to matters before the Planning Advisory Committee to ensure a full understanding of public input before discussing and voting on such matters before the Committee.
- Always acting in the best interest of the municipality, its communities and residents, and not advocating for any changes, amendments, or adoption of documents, plans, or strategies that are personally beneficial where such changes are not in the best interest of the wider community.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	POLICY 111
PLANNING AND DEVELOPMENT	Annapolis County Planning Advisory Committee

- f. The Committee shall have the powers and duties of a Heritage Advisory Committee pursuant to the *Heritage Property Act* and make recommendations to council regarding registrations, de-registrations, substantial alterations and demolitions.



9. RECOMMENDATIONS

In the event the Planning Advisory Committee fails to provide a report or recommendation to municipal council within any set deadline established by council; municipal council may proceed with a decision regarding a matter within the Committee's mandate without awaiting the committee report or recommendation.

10. REPEAL

Policy AM-1.3.6.2 Annapolis County Planning Advisory Committee Policy, adopted by Municipal Council of the County of Annapolis on April 20, 2021, is hereby repealed.

Municipal Clerk's Annotation for Official Policy Book

I certify that this policy was adopted by Municipal Council as indicated below:

Seven (7) Day Notice **PENDING**

Council Approval **PENDING**

Carolyn Young

PENDING

Municipal Clerk

Date



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Dawn Campbell, Director of Corporate Services
Linda Bent, Director of Planning & Inspection Services
Report Number: **SR2024-80 Approve Bylaw 1 Heritage**
Subject: *Approve Bylaw 1 Heritage*

RECOMMENDATION

To recommend that Municipal Council give first reading to approve *Bylaw 1 Heritage*.

BACKGROUND

C5 Heritage Property Bylaw was approved April 7, 1998, in accordance with requirements of *Heritage Property Act*. Its purpose was to establish a registry of heritage property and heritage advisory committee. Town of Bridgetown enacted a similar bylaw in February 1985.

DISCUSSION

The new bylaw designates and permits Planning Advisory Committee to serve as Heritage Advisory Committee which is required by *Heritage Property Act*.

LEGISLATIVE AUTHORITY

Section 12(1) of the *Heritage Property Act* states that a municipality may by bylaw, establish a registry of heritage property.

Section 12(5) of the *Heritage Property Act* states that a municipality may, by bylaw, provide that the planning advisory committee of the municipality shall be the heritage advisory committee for the municipality.

Section 12(6) of the *Heritage Property Act* states that a bylaw made pursuant to this section is subject to the approval of the Minister of Municipal Affairs, and when so approved has the force of law.

BUDGET IMPACTS

The new bylaw imposes no new financial or budget impacts

STATUTORY REQUIREMENTS

Requirements for all bylaw approvals:

- Pass first reading;
- Notice of council's intent to consider 2nd reading published in a newspaper circulating in the municipality or posted on the municipality's website at least 14 days before read for 2nd time. Notice must state the object of the bylaw, date and time it will be considered and how a copy of the proposed bylaw may be inspected;
- Pass 2nd reading;
- Receive ministerial approval if required (limited number of bylaws require this – heritage bylaws do fall into this category and require approval by Minister of Communities Culture, Tourism and Heritage);
- Notice published in a newspaper circulating in the municipality stating object of the bylaw and place where it may be read;
- Certified copy of the bylaw filed with Minister of Municipal Affairs.

ATTACHMENTS

Bylaw 1 Heritage (proposed new bylaw)

C5 Heritage Property Bylaw (for repeal - changes marked)

Bridgetown Heritage Property Bylaw (for repeal)


Prepared by:

Bylaw – Dawn Campbell, Director Corporate Services

Staff Report – Linda Bent, Director of Planning & Inspection Services

Approved by:

Approval Date:



Chris McNeill
Chief Administrative Officer

NOVEMBER 6, 2024
(Date)

Bylaw 1 HERITAGE

1. In this Bylaw:
 - (a) "Council" means the Municipal Council of the Municipality of the County of Annapolis;
 - (b) "Clerk" means the Municipal Clerk of the Municipality of the County of Annapolis;
 - (c) "Act" means the *Heritage Property Act*;
 - (d) "Committee" means **Annapolis County Planning Advisory Committee**;
 - (e) "Municipality" means the Municipality of the County of Annapolis.
2.
 - (a) **The Planning Advisory Committee shall be the Heritage Advisory Committee of the Municipality.**
 - (b) The Committee shall have the powers and duties of a Heritage Advisory Committee pursuant to the *Act*.
 - (c) The Committee shall be governed, where not inconsistent with the *Act* or this Bylaw, by the general rules of procedure applicable to committees as contained in ***Municipal Government Act* and the bylaws or policies of the Municipality.**
3. The Clerk shall establish and maintain at the business office of the Municipality, a Registry of Heritage Property, where all prescribed documents relating to the registration of Heritage Property pursuant to the Act or this Bylaw shall be filed.

The registry shall:

- (a) be properly indexed;
- (b) contain data with respect to recommendation, registration, if applicable, recording particulars of documents required to be lodged at the Registry of Deeds for Annapolis County and true copies of all notices required by the Act;
- (c) contain particulars of heritage property under recommendation or registered so as to adequately identify the property;
- (d) be accessible to the public at no charge during regular business hours at the Municipal Offices.

5. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the *Act*.
6. Council may from time to time establish and amend guidelines for the registration of property as Heritage Property, and Committee shall make recommendations in accordance therewith.

REPEAL

C5 Heritage Property Bylaw, adopted by Municipal Council of the County of Annapolis on the 17th day of March 1998, is hereby repealed.

Bridgetown Heritage Property Bylaw, adopted by Town Council of the Town of Bridgetown on the 4th day of May 1985, is hereby repealed.

Bylaw Adoption	
First Reading:	November 19, 2024
Notice of Consideration:	November 20, 2024
Second Reading:	December 17, 2024
Notice of Council Approval:	December 18, 2024
Ministerial Approval:	TBD
Final Publication and Effective Date:	TBD

SIGNATURE

Carolyn Young, Municipal Clerk

FOR REPEAL

C5 BYLAW 1 HERITAGE PROPERTY BYLAW

1. In this Bylaw:
 - (a) "Council" means the Municipal Council of the Municipality of the County of Annapolis;
 - (b) "Clerk" means the Municipal Clerk of the Municipality of the County of Annapolis;
 - (c) "Act" means the *Heritage Property Act*;
 - (d) "Committee" means ~~the Heritage Advisory Committee, established pursuant to the Heritage Property Act and continued pursuant to this bylaw~~ Annapolis County Planning Advisory Committee;
 - (e) "Municipality" means the Municipality of the County of Annapolis.

2.
 - (1) ~~The Heritage Advisory Committee shall be composed of six (6) members, all of whom shall be residents of the Municipality, appointed by Council annually for a minimum term of one year. *Non-council members shall be appointed for two years.* The Planning Advisory Committee shall be the Heritage Advisory Committee of the Municipality.~~
 - (2) ~~Three members of the Committee shall be members of the Council and three members shall be individuals who have, in the opinion of the Council, demonstrated active concern for the preservation of buildings of historic significance.~~
 - (3) The Committee shall have the powers and duties of a Heritage Advisory Committee pursuant to the *Act*.
 - (4) The Committee shall be governed, where not inconsistent with the *Act* or this Bylaw, by the general rules of procedure applicable to committees as contained in ~~the Bylaws~~ *Municipal Government Act* and the bylaws or policies of the Municipality.
 - (5) ~~All meetings of the Committee shall be open to the public.~~

3. The Clerk shall establish and maintain at the business office of the Municipality, a Registry of Heritage Property, where all prescribed documents relating to the registration of Heritage Property pursuant to the *Act* or this Bylaw shall be filed.

The registry shall:

- (e) be properly indexed;

FOR REPEAL

- (b) contain data with respect to recommendation, registration, if applicable, recording particulars of documents required to be lodged at the Registry of Deeds for Annapolis County and true copies of all notices required by the Act;
 - (c) contain particulars of heritage property under recommendation or registered so as to adequately identify the property;
 - (d) be accessible to the public at no charge during regular business hours at the Municipal Offices.
4. ~~Notice of a recommendation by the Municipal Heritage Advisory Committee that a building, streetscape or area be registered as a Municipal Heritage Property shall be in the form specified in Schedule "A", attached hereto.~~
5. Council may register a building, streetscape or area as a Municipal Heritage Property in accordance with the provisions of the Act ~~and the registration shall be in the form specified in Schedule "B", attached hereto.~~
7. Council may from time to time establish and amend guidelines for the registration of property as Heritage Property, and ~~the Heritage Advisory Committee shall make recommendations in accordance therewith.~~

Passed by Council this 17th day of **MARCH**, A.D., **1998**.

Jacquie Z. Farrow-Lawrence
Municipal Clerk

BYLAW C5

First Reading: **February 24, 1998**

"Notice of Intent" Publication: **March 3, 1998**

Second / Third Reading:
..... **March 17, 1998**

Publication Date:
..... **April 7, 1998**

FOR REPEAL

NOTICE OF RECOMMENDATION

TO REGISTER A MUNICIPAL HERITAGE PROPERTY

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Pursuant to the Heritage Property Act, R.S.N.S. 1989, c. 199, the MUNICIPALITY OF THE COUNTY OF ANNAPOLIS hereby gives notice that the property of [insert name of owner], [insert brief description and address], described in Schedule "A" hereto annexed, and in a deed recorded in Book ___ at Page ___ in the Registry of Deeds for the County of Annapolis, has been recommended for registration in the registry of heritage property for the Municipality of the County of Annapolis.

The property has been recommended for registration [here set out reason for recommendation].

The Heritage Property Act provides that if a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;
- 2) An application for permission to substantially alter the
the exterior appearance or to demolish the property may be made to the Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Municipality may grant or refuse permission or attach conditions;
- 5) *Notwithstanding Section 4; where the owner of a municipal heritage property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application.*
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property. For further information refer to the *Heritage Property Act*.

FOR REPEAL

The *Heritage Property Act* further provides that no person shall substantially alter the exterior appearance of or demolish a building for 120 days after notice of recommendation to register the property has been served, unless the Municipality sooner refuses to register the property.

The owner has the right to be heard concerning the recommended registration, and the date of the hearing shall be [here set out date, time and place of hearing]. Submissions may be made orally or in writing if desired, and a written submission may be presented at any time prior to the hearing.

A copy of this notice has been recorded at the Registry of Deeds for the County of Annapolis pursuant to the Act.

DATED at Annapolis Royal, Nova Scotia, this [date].

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Per:

Municipal Clerk

Schedule "A" should contain the legal description of the property to be registered as taken from the deed.

FOR REPEAL

NOTICE OF REGISTRATION

TO REGISTER A MUNICIPAL HERITAGE PROPERTY MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Pursuant to Section 14 of the Heritage Property Act, R.S.N.S. 1989, c. 199, the MUNICIPALITY OF THE COUNTY OF ANNAPOLIS hereby gives notice that the property of [insert name of owner], [insert brief description and address], described in Schedule "A" hereto annexed, and in a deed recorded in Book ___ at Page ___ in the Registry of Deeds for the County of Annapolis, has been registered in the registry of heritage property for the Municipality of the County of Annapolis.

The Heritage Property Act provides that where a property is registered as a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;
- 2) An application for permission to substantially alter the the exterior appearance or to demolish the property may be made to the Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Municipality may grant or refuse permission or attach conditions;
- 5) *Notwithstanding Section 4, where the owner of municipal heritage property has made an application for permission to alter the exterior appearance of or demolish the property and the application is not approved, the owner may make the alteration or carry out the demolition at any time after one year from the date of the application, provided that the alteration or demolition shall not be undertaken more than two years after the date of the application.*
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property.

For further information refer to the Heritage Property Act.

A copy of this notice has been recorded at the Registry of Deeds for the County of Annapolis pursuant to s. 15(3) of the Act.

DATED at Annapolis Royal, Nova Scotia, this [date].

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Per:

Municipal Clerk

Schedule "A" should contain the legal description of the property to be registered as taken from the deed.

FOR REPEAL

BE IT RESOLVED by the Council of the Town of Bridgetown that the following by-law be enacted and that the Clerk forward it to the Minister of Municipal Affairs for approval:

HERITAGE PROPERTY BY-LAW

1. There shall be a municipal registry of heritage property for the Town of Bridgetown.
2. The registry shall contain:
 - (a) A description of any building, streetscape or area registered by the Council of the Town of Bridgetown pursuant to the Heritage Property Act;
 - (b) The recommendation for registration, all notices pursuant to the registration, recording particulars of all notices recorded in the Registry of Deeds and particulars of service of all notices required pursuant to the Heritage Property Act;
 - (c) All applications for permission to make a substantial alteration to the exterior appearance, or to demolish, a registered building, streetscape or area, together with the particulars of the recommendations of the heritage advisory committee thereon and the particulars of the disposition thereof;
 - (d) In a separate section, all buildings, streetscapes and areas for which registration has been recommended by the heritage advisory committee but on which a decision to register has not been made;

FOR REPEAL

- 2 -

Heritage Property Bylaw - See Administrative Policy on Alterations to Heritage Properties slated for a Council meeting in the fall of 2011. Note: File a copy of the Policy with the Heritage Property Bylaw. *SK.*
COMPANION PIECE

- (e) In a separate section, all buildings, streetscapes and areas for which registration was recommended by the heritage advisory committee but which council determined not to register.

3. The registry shall:

- (a) Be the responsibility of the Clerk to maintain and update;
- (b) Be properly indexed;
- (c) Be accessible to the public without charge.

- 4. (1) The council shall annually appoint a heritage advisory committee.
- (2) The committee shall be composed of seven members at least two of whom shall be members of council.

Certified to be a true copy of a by-law duly passed at a duly called meeting of the Town Council of the Town of Bridgetown held on the 4th day of February, A.D., 1985.

DEPARTMENT OF MUNICIPAL AFFAIRS
Recommended for approval of the Minister
<i>Thurston</i>
APPROVED this <i>27th</i> day of <i>March</i> 19 <i>85</i>
<i>[Signature]</i>
Minister of Municipal Affairs

[Signature]
William F. Hamilton
Clerk



STAFF REPORT

Report To: Committee of the Whole
Meeting Date: November 12, 2024
Prepared By: Dawn Campbell, Director of Corporate Services
Report Number: **SR2024-81 Approve Policy 121 Citizen Appointments to Committees**
Subject: Approve Policy 121 Citizen Appointments to Committees

RECOMMENDATION

That Municipal Council approve *Policy 121 Citizen Appointments to Committees* as circulated [7-day notice].

LEGISLATIVE AUTHORITY

Sub-section 47(1) of the *Municipal Government Act* states:

The council shall make decisions in the exercise of its powers and duties by resolution, by policy or by by-law.

Sub-section 48(3) of the *Municipal Government Act* further states:

In addition to matters specified in this Act or another Act of the Legislature, the council may adopt policies on any matter that the council considers conducive to the effective management of the municipality.

Sub-section 48(1) of the *Municipal Government Act*:

Before a policy is passed, amended or repealed the council shall give at least seven days' notice to all council members.

BACKGROUND

Policy 121 Citizen Appointments to Committees was approved in June 2024. It is intended as a "guide to members of Municipal Council and staff in the process to ensure consistency, integrity, and fairness in administering the citizen appointment process and provides information about how the process works for those residents of Annapolis County who are interested in applying to serve."

DISCUSSION

This policy is reviewed periodically to:

- Update outdated references to other policies,
- Ensure clarity,
- Ensure fulfills legislative / legal requirements.

Summary of changes as marked in revised policy attached:

Sub-section 6.1.3 delete:

No outstanding taxes, fees, charges or liens owing to the MCOA beyond the current year, whether it is personal, commercial, property or business. The appointee is required to maintain this status throughout their entire term of appointment.

This removes barrier to participation by citizens and clarifies policy.

Sub-section 7.1 change "December" to "November" in for agreement between all policies relating to committee appointment terms.

Section 8 replace "AM-1.8.1-Travel and Expenses Policy" with "county policies" to update outdated reference to another policy.

FINANCIAL IMPLICATIONS

There are no known financial implications resulting from these changes.

ALTERNATIVES / OPTIONS

- None

COMMUNICATION

Normal statutory requirements:

- 7-day notice to approve policy (Committee of the Whole)
- Approval by Municipal Council 7 days or more after notice is provided

ATTACHMENTS

Policy 121 Citizen Appointments to Committees (proposed changes as marked)

Approved by:



Chris McNeill
Chief Administrative Officer

Approval Date:

NOVEMBER 6, 2024
(Date)

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	121
Section Procedure & Organization of Council	Subject Citizen Appointments to Committees

1. PURPOSE

This policy provides a guide to members of Municipal Council and staff in the process to ensure consistency, integrity, and fairness in administering the citizen appointment process and provides information about how the process works for those residents of Annapolis County who are interested in applying to serve.

The purpose of this policy is to establish:

- Procedures for municipal Council to appoint citizens to fill vacancies on boards and committees; and
- Eligibility criteria for citizen applicants.

2. AUTHORITY

This policy is enacted pursuant to Sections 22, 23, 24, 25, 26, 44, 200, and 345 of the *Municipal Government Act*, as amended.

3. DEFINITIONS

Unless otherwise defined below, terms used in this policy shall have the same meaning as those defined in the *Municipal Government Act*:

3.1. **Ordinarily Resident** – the place where in the settled routine of an individual's life, the citizen regularly, normally or customarily spends a total of 183 days or more in a year.

4. POLICY APPLICABILITY

This policy applies to the Municipality of the County of Annapolis' (MCOA) appointments to MCOA boards and committees. It does not apply to the appointment of members of Municipal Council to such bodies.

5. NOMINATING BODY

The Nominating Committee, established as a Standing Committee of Municipal Council, is the body responsible to discuss, consider, advise and make recommendation to Municipal Council concerning appointments to boards and committees.

The following shall apply to all committees except where specifically provided otherwise:

6. ELIGIBILITY AND QUALIFICATIONS

6.1. Eligibility Requirements

- 6.1.1. Full age of 18 years (exceptions may be made by Municipal Council for committees specifically related to youth, or if otherwise determined)
- 6.1.2. Ordinarily resident in Annapolis County for a minimum of six months (183 days) prior to the date of application unless provided otherwise in the Committee's Terms of Reference.

~~6.1.3. No outstanding taxes, fees, charges or liens owing to the MCOA beyond the current year, whether it is personal, commercial, property or business.~~



MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	121
Section Procedure & Organization of Council	Subject Citizen Appointments to Committees

~~The appointee is required to maintain this status throughout their entire term of appointment.~~

6.2. Restriction for Relatives of Members of Council


Relatives of members of Council (spouse, children, parents, or those living in the same household as the Council member) are not eligible for appointment to MCOA boards and committees.

6.3. Restriction for Staff

Staff of MCOA are not eligible to apply for a MCOA appointment.

7. TERMS AND LENGTH OF SERVICE

7.1. Term of Appointment

Except to the extent that the term of appointment is otherwise determined by statute, bylaw or policy, citizen members shall be appointed for one two-year term, with the term commencing in ~~December~~ **November** following each municipal general election or bi-annual election anniversary. 

Appointments to the Police Advisory Board will involve an interview process as mandated by the Police Regulations made under subsection 97(1) of the *Police Act*.

7.2. Limits on Length of Service

Acknowledging the value of experience and the need for continuity, incumbents who are eligible and willing to seek reappointment may re-apply for one additional two-year term.

When applying for reappointment, incumbents must complete an application form as provided by the Office of the Municipal Clerk.

MCOA recognizes the importance of engaging as many residents as possible and infusing new ideas and perspectives from time to time. The length of service for any citizen is two consecutive two-year terms on the same board or committee. Exceptions are noted below.

7.3. Exceptions

7.3.1. Reappointments When Maximum Service Reached

Following the completion of a second two-year term of appointment, the incumbent shall not be eligible to reapply for any position for a minimum of one year, unless Municipal Council specifically determines otherwise by resolution.

7.3.2. Partial Terms

When an appointment is made to fill a vacancy, the balance of the term shall not count towards the maximum length of service or number of terms on a board or committee for the appointee.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	121
Section Procedure & Organization of Council	Subject Citizen Appointments to Committees

7.3.3. Continuation Past the End of Term

Where it is prudent for the work already undertaken by a board or committee to be completed by its current membership, the members may continue to serve on the respective board or committee past the end of their term, upon their agreement and by the appointment of Municipal Council.

7.3.4. Continuation Past Ordinary Residency

A board or committee member shall not be eligible to serve on any board or committee if they no longer reside in Annapolis County, or unless provided otherwise in the Committee's Terms of Reference, or unless the board or committee makes a formal request to Municipal Council through the Office of the Municipal Clerk, and Municipal Council specifically determines otherwise by resolution.

7.4. Vacancies

A vacancy on a board or committee is created when a member resigns or vacates the position for any reason effective the earliest of:

1. The date of resignation
2. The date the member ceases to be qualified
3. The date the member, who in Municipal Council's opinion is not fulfilling their duties as expected, and is removed by Municipal Council after having received a form request from the board or committee through the Office of the Municipal Clerk
4. The date the member, who without the leave of the board or committee, is absent from three consecutive meetings
5. The date of death or other incapacitation

Notwithstanding the above, Municipal Council may choose not to fill a vacancy if the vacancy occurs within six months of the end of the term of appointment.

7.5. Leaves of Absence

Board or committee members who run for elected office shall take a leave of absence. The leave is required to begin as of the day the member is nominated as a candidate standing for election.

Members who wish to request a leave of absence shall submit a written request to the Chief Administrative Officer who will grant it, and will inform the Municipal Clerk who will inform the chairperson of the affected board or committee, and the Nominating Committee for the appropriate action.

8. HONORARIUMS AND EXPENSES

Board or committee members shall receive an honorarium based upon \$50 per meeting attended.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	121
Section Procedure & Organization of Council	Subject Citizen Appointments to Committees

If a board or committee does not meet during the calendar year, board or committee members shall receive an honorarium of \$50.

Subject to the approval of the Warden, committee members shall be reimbursed their reasonable expenses for attending board or committee meetings in accordance with ~~AM-1.8.1 Travel and Expenses Policy~~ **county policies**.



9. RECRUITMENT METHODS

9.1. Timing of Appointments

Generally, the appointment process will begin four months in advance of the municipal election and bi-annual election anniversary to allow the Nominating Committee to consider potential applicants for the new term.

Appointments shall not extend past the term of the sitting Council.

9.2. Advertised Recruitment

The standard recruitment process used by MCOA for boards and committees is to invite applications through an advertisement to the public at large.

The MCOA will advertise all vacancies prior to the expiration date of the term of appointment by posting on the Municipality's website and social media, as well as through other media as determined appropriate by Municipal Council.

9.3. Other Recruitment

Councillors or others may approach potential candidates to encourage their application to a board or committee.

10. APPLICATION PROCESS

10.1. Applications

During the appointment process, application forms are available by e-mail, mail, or fax upon request from the Office of the Municipal Clerk, or on the Municipality's website (www.AnnapolisCounty.ca).

Applicants must submit the completed application to the Nominating Committee via:

- Email to nominatingcommittee@annapoliscounty.ca;
- Hand delivery or drop box at 752 St. George Street, Annapolis Royal;
- By mail to P.O. Box 100, Annapolis Royal, NS B0S 1A0; or
- By fax to 902-532-2096.

The application form shall be in a format and contain such information as may from time to time be required for the proper administration of this policy.

Personal information collected from applicants shall only be used for the purpose of determining eligibility and selection. Additional personal information shall be required from successful applicants for the purpose of arranging honorariums and remuneration.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	121
Section Procedure & Organization of Council	Subject Citizen Appointments to Committees

10.2. Incumbents

Incumbents who are eligible and willing to seek reappointment to MCOA boards or committees must reapply in the same manner as other applicants.

10.3. Submission Deadlines

The Nominating Committee shall consider only applications received in the prescribed form by the advertised deadline date. Late applications shall not be considered.

In those cases where there are insufficient applications from qualified or eligible candidates, the Nominating Committee, through the Office of the Municipal Clerk, may extend the deadline for applications. Public notice of any extension to the deadline shall be given. Public notice of an extension can be in the form of a notice on the Municipality's website.

10.4. Retention of Applications

Applications will be retained for the current two-year term of appointment for consideration of vacancies that may arise during the term of the board or committee, and may be brought forward with the permission of the applicant should a vacancy arise.

10.5. Potential Conflict of Interest

Applicants should consider whether they have a real or perceived conflict of interest with a board or committee, including direct or indirect pecuniary interest with MCOA. As part of the application process, applicants must identify and disclose any actual or potential conflicts of interest they may have.

Potential conflicts of interest may include, but not be limited to applicants, their spouses, partners, parents or children:

- Currently doing business with or working as a consultant for MCOA or MCOA agencies, boards or committees; or
- Serving as a lobbyist for an industry, interest or organization that may be affected by the outcome of considerations of the board or committee; or
- Any interest, direct or indirect, in outstanding litigation involving MCOA or MCOA agencies, boards or committees; or
- Any tax arrears or fines outstanding to MCOA beyond the current year, whether it is personal, commercial, property or business.

10.6. Self-Identified Diversity Information

In order to enable MCOA to achieve the objectives of access, equity and diversity, applicants are encouraged to complete the self-identifying information included in the application form of an appointment.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	121
Section Procedure & Organization of Council	Subject Citizen Appointments to Committees

11. COUNCIL APPOINTMENTS

When Municipal Council makes an appointment, applicants shall immediately be advised of the status of their application, thanking all applicants for their interest, and advising applications will be held for the term should a vacancy arise.

12. PRIVACY ISSUES

The NS Freedom of Information and Protection of Privacy Legislation (FOIPOP) imposes confidentiality obligations on members of Council and MCOA staff to refrain from disclosing personal information obtained by them in the course of their duties

13. STANDARDS OF CONDUCT FOR BOARD AND COMMITTEE APPOINTEES

13.1. Orientation of New Members

Applicable MCOA staff, in cooperation with the Office of the Municipal Clerk, shall arrange briefing session(s) to provide **an initial orientation for all new and returning appointees on the operation of the board or committee**, and MCOA expectations, in advance of the formal meeting of each board or committee electing a Chair or Vice Chair.

Where applicable, new appointees may be required to attend mandatory training to enable them to carry out their responsibilities as members of a board or committee.

13.2. General Standard of Conduct

Members of the public who are appointed to a MCOA board or committee shall serve and be seen to serve in a conscientious and diligent manner, and be respectful of difference and diversity.

Members will:

- Work in a team environment;
- Listen to and be respectful of the opinions of others;
- Perform their duties in a transparent manner that promotes public confidence; and
- Communicate effectively and constructively.

No member of a MCOA board or committee shall use the influence of the office to which they are appointed for any purpose other than the exercise of official duties.

Members of MCOA boards and committees are subject to the *Municipal Conflict of Interest Act*.

13.3. Ceasing to Meet General Requirements

Any board or committee member who accepts an office or employment, or has a conflict of interest that is incompatible with continued service on the board or committee, or ceases to reside in Annapolis County, or ceases to meet the general requirements of the appointment, unless provided otherwise in the Committee's Terms of Reference, shall notify, in writing, the board or committee and the Office of the Municipal Clerk. The Office of the Municipal Clerk shall notify the Nominating Committee.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS POLICY AND ADMINISTRATION MANUAL	121
Section Procedure & Organization of Council	Subject Citizen Appointments to Committees

13.4. Meeting Attendance Requirements

A member appointed by Municipal Council who fails to attend three consecutive meetings of a board or committee without having been excused by resolution of the board or committee shall be deemed to have resigned from the board or committee.

Under those conditions, the position may be declared vacant and the board or committee shall immediately notify the Office of the Municipal Clerk. Depending on the circumstances, the vacancy may or may not be filled.

14. REPEAL

AM-1.3.4 Citizen Appointments to Committees Policy, adopted by Municipal Council of the County of Annapolis on September 27, 2022, is hereby repealed.

Policy 121 Citizen Appointments to Committees, adopted by Municipal Council of the County of Annapolis on June 18, 2024, is hereby repealed.

Municipal Clerk's Annotation for Official Policy Book	
I certify that this policy was adopted by Municipal Council as indicated below:	
<i>Seven (7) Day Notice</i>	PENDING
<i>Council Approval</i>	PENDING
<u><i>Carolyn Young</i></u>	<u>PENDING</u>
Municipal Clerk	Date
At Annapolis Royal Nova Scotia	