

1. **CALL TO ORDER**1.1 O' Canada

Warden Hunter called to Order the February 4, 2015 Council session of the Municipality of the County of Cumberland at 3:50 p.m. The meeting was held at the E. D. Fullerton Municipal Building. O'Canada was sung.

1.2 Roll Call

Executive Assistant to the CAO, Shelley Hoeg, called the roll with the following Councillors being present:
Councillor Smith, Warden Hunter, Councillor Kellegrew, Councillor Gillis, Councillor Welton, Councillor Baker, Councillor Rector, Deputy Warden Gilbert, Councillor McLellan and Councillor Fletcher.

2. **ADMINISTRATIVE AND PROCEDURAL ISSUES**2.1 Approval of Agenda

Addition(s): 4.1 - Springhill Special Election Boundaries/Date for Special Election
4.2 - Transition Update and ratification of Transition Coordinator Report
6.1 - Ratification of Sunset Board Appointments
6.2 – Community Development Grants
7.2 A - Correspondence – Wentworth Elementary Sustainability Committee

Deletion(s): 2.5, 3

2.2 Approval of Minutes of January 21, 2015

The minutes of January 21, 2015 were approved as circulated.

2.3 Business Arising from the January 21, 2015 Council Session

An update was provided from the Executive Assistant.

2.4 Delegations, Presentations, Petitions, Proclamationsa) ***Wentworth School Sustainability Committee***

This presentation will be rescheduled to a future meeting.

b) ***Welcoming Communities Program***

This presentation will take place at the February 18th, 2015 Council session.

2.5 Public Hearings

There were no Public Hearings for today's session.

3. **STRATEGIC PRIORITIES ISSUES**

There are no strategic priorities for today's meeting.

4. **MAJOR ORGANIZATIONAL ISSUES**4.1 Springhill Special Election Boundaries/Date for Special Election

IT WAS MOVED by Councillor Smith, seconded by Councillor Kellegrew to ratify the East-West Distribution to form the electoral district boundaries with two electoral districts as ordered by the Nova Scotia Utility and Review Board.

MOTION CARRIED #15-014

IT WAS MOVED by Councillor Fletcher, seconded by Councillor Gillis to set the date for the special election, ordinary polling day, as Saturday, June 20, 2015 and to advise the UARB of that decision.

MOTION CARRIED #15-015

4.2 Transition Update and Ratification of Transition Coordinator Report

IT WAS MOVED by Councillor Kellegrew, seconded by Deputy Warden Gilbert to ratify the report of the Transition Coordinator.

MOTION CARRIED #15-016

Mr. Bugley, CAO, provided a Transition/Dissolution update to Council advising of what actions have been undertaken and what is to be worked on in the very near future.

5. **ORGANIZATIONAL POLICY/BY-LAW ISSUES**

5.1 Expenditure Policy

Mr. MacDonald, Director of Finance provided a summary of the Expenditure Policy which had previously been approved in December.

Changes were made to harmonize dollar amounts of thresholds with our Procurement Policy.

IT WA SMOVED by Councillor Gillis, seconded by Councillor Welton to approve the Expenditure Policy which is a such:

Municipality of Cumberland Policy 15-XX

Expenditures Policy

Title

1. This Policy is entitled the “Expenditures Policy”.

Interpretation

2. In this Policy,
 - (1) “budgeted expenditure” means an expenditure which, when taken together with other expenditures made in, or committed for, the fiscal year to date that are in the same specific budget category, does not exceed the amount currently budgeted by resolution of Council, provided however that an expenditure shall not be considered to be a budgeted expenditure solely because of the existence of a general contingency category to meet unbudgeted expenses;
 - (2) “CAO” means the Municipality’s Chief Administrative Officer, or designate;
 - (3) “signing officer” means the CAO, Director of Finance, Accountant, Deputy CAO/Director of Policy and Research, and Warden
 - (4) “funds-over-budget resolution” means a resolution authorizing resources from unbudgeted revenues or underutilized budget expenditure categories to be used for other budget expenditure categories;
 - (5) “immediate expenditure condition” means a condition that was not foreseen at a preceding Council meeting and which, in the CAO’s reasonable judgment, requires a decision to be made:
 - (a) before the next scheduled Council meeting, in the case of expenditures aggregating \$50,000 or less; and
 - (b) before an emergency meeting of Council can practically be convened.
3. In making expenditures or incurring a liability to make expenditures, the CAO and any employee of the Municipality to whom the CAO delegates authority to make expenditures shall comply with all applicable By-laws, Policies or resolutions of Council, and with any other restriction imposed by law.
4. In the absence of an express direction by Council to the contrary in regards a specific possible expenditure, and subject to the other provisions in this Policy, the CAO may make or may authorize an employee of the Municipality to make expenditures:
 - (1) which are budgeted expenditures not greater than \$30,000;
 - (2) which have been specifically authorized by resolution of Council;
 - (3) which are necessary to carry out a contract which has been authorized by resolution of Council;
 - (4) which are within the terms and conditions of a funding agreement authorized by resolution of Council;
 - (5) to discharge a specific statutory obligation of the Municipality, such as, but not limited to, payments to a School Board mandated by the *Education Act*;
 - (6) to transfer tax revenues rated and collected for a special purpose body, such as, but not limited

- to, a village commission;
 - (7) to comply with a Court Order or other valid and subsisting legal obligation;
 - (8) which are within the parameters of a “funds over budget resolution” of Council authorizing the use of budget authority to be transferred from one budget category to another;
 - (9) to respond to an immediate expenditure condition; or
 - (10) which are within a temporary spending authority conferred by Council resolution.
5. The CAO shall not delegate to any Director of the Municipality the authority to make expenditures in excess of ~~\$10,000~~ \$15,000.
6. The CAO or any Director shall not delegate to any Supervisor the authority to make expenditures in excess of \$3,000.
7. The CAO or any Director or Supervisor shall not delegate to any other employee the authority to make expenditures in excess of \$1,000.
8. For purposes of sections 2 to 7 of this Policy, the amount of an expenditure which is made in installments or other periodic payments is deemed to be the aggregate of the installments or periodic payments.
9. The following expenditures of the Municipality may be paid by:
- (1) Pre-authorized debit:
 - (a) approved debenture payments;
 - (b) bank service charges in accordance with approved credit agreement;
 - (c) approved lease payments; and
 - (d) Canada Savings Bonds contributions;
 - (2) Electronic funds transfers
 - (a) quarterly operating grants to volunteer fire departments
 - (b) payroll;
 - (c) council travel reimbursement;
 - (d) statutory payroll remittances;
 - (e) registered pension plan contributions;
 - (f) corporate visa remittance; and
 - (g) purchasing card remittance.
 - (3) Corporate visa
 - (a) At the discretion of the CAO.
 - (4) Purchasing Cards
 - (a) In accordance with the Purchasing Card Policy
10. Expenditures to persons owing money to the Municipality may be made by set-off.
11. Low value, less the \$100, expenditures may be made from petty cash.
12. All pre-authorized debit agreements are to be approved by the Director of Finance and one other signing officer.

13. Electronic fund transfers are to be approved in advance by any two of the signing officers.

14. All cheques are to be signed by any two of the signing officers.

When being presented with cheques to sign, and/or electronic fund transfers to approve, the signing officers shall be presented with supporting documentation indicating authorization, propriety and account distribution signed by the person authorized under this Policy to make the expenditure. The signing officers may request any additional information required to determine that the expenditure is in accordance with the expenditure and procurement policies.

15. This Policy is effective upon adoption and replaces any previous Expenditure Policies.

<u>Clerk's Annotation for Official Policy Book</u>	
Date of Notice to Council Members of Intent to consider (7 days minimum): <u>January 21, 2015</u>	
Date of Passage of Current Policy:	
I certify that this Expenditures Policy was adopted by Council as indicated above.	
_____	_____
Municipal Clerk	Date

MOTION CARRIED #15-017

5.2 Reimbursement Policy for Members of Council

IT WAS MOVED by Councillor Baker, seconded by Councillor Gilbert to approve the Reimbursement Policy for Members of Council which is as such:

Municipality of Cumberland Policy 15-XX

Reimbursement Policy for Members of Council

Title

1. This Policy is entitled the "Policy on Council Member Attendance at Meetings and Conferences".

Reimbursement of Expenses

2. Council members shall be reimbursed for the reasonable expenses incurred for attending:

- (1) Union of Nova Scotia Municipalities annual fall conference and spring workshop;
- (2) Federation of Canadian Municipalities annual conference;
- (3) meetings or conferences at which the Council member's attendance is authorized or requested by Council;
- (4) attendance at any Council or Committee of Council meeting;
- (5) attendance at a meeting of any Board, Commission or other organization to which the Council member has been appointed by Council, except that no reimbursement shall be provided by the Municipality if the Council member is entitled to reimbursement of expenses directly from the applicable organization;
- (6) in the case of the Warden or Deputy-Warden, attendance at functions, meetings or conferences involving less than \$100 in reimbursable expenses in respect of which one or more municipal representatives has been invited or requested or would otherwise reasonably be expected to attend;

- (7) in the case of a Councillor, attendance on behalf of the Municipality at a function identified in the previous subsection of this Policy, involving less than \$100 in reimbursable expenses provided that such attendance is either:
 - (a) at the request of the Warden or Deputy Warden to attend on their behalf;
 - (b) at the request of the Warden or Deputy Warden to attend as a Councillor who has a special interest in, or connection with the subject of the meeting or conference or because of special knowledge and experience of the Councillor relative to the subject of the meeting or conference;
- (8) at a training or continuing education event in accordance with the provisions of this Policy concerning Council member training and education.

No Reimbursement for Political or Constituency Activities

- 3. The expenses of a Council member for political activity associated with election or re-election is not reimbursable by the Municipality.
- 4. A council member shall not be reimbursed for meetings in their respective districts with constituents, individual electors, and complainants. The expenses incurred in the discharge of these duties are deemed to be included in the Council member's remuneration that is deemed a non-taxable allowance for expenses incidental to the discharge of their duties.

Training and Professional Development

- 5. A Council member may apply to Council in advance for approval to incur expenses out of the budget established for Council training and professional development, provided that:
 - (1) the request is made in writing;
 - (2) the training or education course, meeting or conference, is related to municipal government;
 - (3) the course, meeting or conference is completed prior to the next municipal election date;
 - (4) the budget for Council member training and education for the year has not been exhausted and would not be exceeded by authorizing the request;
 - (5) the Council member shall reimburse the Municipality for the cost of all or, alternatively the pro-rated cost of a portion, of any enrollment fees in the event of failure to attend all, or alternatively some, of the event without reasonable justification;

Requirement for Receipts

- 6. Receipts or other satisfactory documentary proof must be submitted with the reimbursement claim for all expenses except:
 - (1) claims for per diem meal allowances;
 - (2) bridge and highway tolls;
 - (3) claims for personal vehicle mileage;
 - (4) claims for reimbursement of monthly internet access fee not exceeding \$20;

Per Diem Meal Allowances

- 7. For each day or part day that a Council member is travelling outside the Municipality for an authorized purpose, a Council member may claim a meal allowance for each meal for which a cost was incurred. Meals provided free of charge or included in registration fees paid directly by the Municipality are ineligible. The per diem meal allowance for Council members shall be the same as that for staff: \$15 for breakfast, \$20 for lunch, and \$35 for supper. For purposes of this section, the

Municipality will not pay breakfast allowance to Council members leaving home after 6:00 am or supper allowance to a Council member arriving home before 6:00 pm.

Mileage

8. The mileage allowance reimbursed for Council members using personal vehicles for travel shall be at the rate stipulated from time to time by the Province of Nova Scotia as the maximum mileage or kilometerage rate for its employees. Where several Council members attend the same meeting, conference or function, each shall make reasonable efforts to share a vehicle.

Limits on Reimbursable Expenses

9. Notwithstanding any other provision of this Policy, the following limits shall apply to reimbursement of expenses:
 - (1) airplane travel shall be booked by Municipal staff or shall only be reimbursed at the lowest rate which would have been available if Municipal staff had booked the airfare;
 - (2) if a Council members chooses to take their personal vehicle in lieu of airplane travel, reimbursement will be based on the lesser of the lowest airfare rate which would have been available had the flight been booked by municipal staff or the mileage reimbursement pursuant to section 8;
 - (3) hotel accommodations shall be booked by Municipal staff;
 - (4) reimbursement of one personal long distance phone calls, to a maximum of \$15 shall be permitted for each night of overnight travel;
 - (5) the cost of any alcoholic beverages shall not be reimbursed or included with a meal expense claim;

Advances

10. The Municipality will pay a reasonable advance to Council members for expenses to be incurred pursuant to this policy, such advance not to exceed 50% of the estimated expenses.

Use of Form Required and Submission of Claims

11. Expense claims must be submitted on the form provided from time to time by the Municipality and shall be signed by the Council member. Expense claims shall be submitted on a monthly basis.

CAO Approval and Appeal

12. The CAO, or person designated by the CAO, may reject any reimbursement claim he deems unreasonable or not in compliance with this Policy, but the Council member shall have a right of appeal to Council.

13. This Policy is effective upon adoption and replaces any previous Reimbursement for Member of Council Policies.

<p><i>Clerk's Annotation for Official Policy Book</i></p> <p><i>Date of Notice to Council Members of Intent to consider (7 days minimum): <u>January 21, 2015</u></i></p> <p><i>Date of Passage of Current Policy: _____</i></p> <p><i>I certify that this Reimbursement for Members of Council Policy was adopted by Council as indicated above.</i></p>	
<p>Municipal Clerk</p>	<p>Date</p>

MOTION CARRIED #15-018

5.3 Procurement Policy
IT WAS MOVED by Councillor Welton seconded by Deputy Warden Gilbert to approve the Procurement Policy which is as such:

**Municipality of Cumberland Policy 15-XX
 Procurement Policy**

Title

1. This Policy is entitled the "Procurement Policy".

PART I - INTRODUCTORY

Interpretation

2. In this Policy:
 - (1) "alternative procurement practice" means the purchase of goods or services without a public tender or other competitive process, in the circumstances described at section 19 of this Policy;
 - (2) "best value" means evaluating bids not only on purchase price and life cycle cost considerations, but also taking into account items such as environmental and social considerations, delivery, servicing and the capacity of the supplier to meet other criteria as stated in tender documents;
 - (3) "CAO" means the Chief Administrative Officer of the Municipality of the County of Cumberland or his or her designate;
 - (4) "environmental considerations" means factors associated with the purchase, manufacture, operation or disposal of a product or asset that affect the environment, such as the degree to which the product or asset uses recycled materials, is energy efficient, or produces or reduces greenhouse gas emissions;
 - (5) "life cycle cost" means the total costs associated with a product or asset over its life span, including the cost of maintenance, repair, operation and disposal;
 - (6) "local business" means businesses whose main office or operations are physically located within the boundaries of the County of Cumberland;
 - (7) "public tender" means publicly advertising the Municipality's intended procurement of certain goods or services and inviting responses from interested suppliers. Public tenders include traditional tenders, requests for proposals, two phase bids and requests for qualifications and are described further in sections 14 to 18 of this Policy;"request for proposals" means a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Municipality. Requests for proposals are described at section 16 of this Policy;
 - (8) "request for quotations" means informally obtaining price quotations from a number of different suppliers. Requests for quotations are described at section 13 of this Policy;

- (9) “social considerations” means factors associated with the purchase or manufacture of a product or asset that relate to the rights or interests of the workers involved, such as working conditions, fair wages, and compliance with human rights legislation and conventions;
- (10) “standing offer” means a source of supply available to the Municipality either through a standing price agreement with a supplier or as a member of a larger group of purchasers. Standing offers are described at section 12 of this Policy;
- (11) “traditional tender” means a formal invitation to suppliers to submit a bid to supply specified goods or services. Traditional tenders are described at section 15 of this Policy;
- (12) “two phase bid” means a two stage process in which suppliers submit proposals for evaluation, and separately submit prices. Two phase bids are described at section 17 of this Policy.
- (13) “request for qualification” means a formal invitation to suppliers of goods ,services and construction and shall be used for the purpose of selecting qualified bidders if the nature of the work or services to be performed requires ascertainable minimum standards.

Application of this Policy

- 3. This Policy applies to the procurement by the Municipality of all goods and services, including construction and facilities, by purchase or lease, but does not apply to procurements:
 - (1) by the Municipality from organizations owned or controlled by the Municipality;
 - (2) where a construction project is managed by a third party on behalf of the Municipality, in which case the procurement for the project must be in accordance with the contract between the Municipality and the third party, and in accordance with the principles identified in section 4.

Procurement Policy principles

- 4. All procurement carried out by the Municipality must be carried out with a view to:
 - (1) ensuring an equitable, open and transparent process for the acquisition of goods and services by the Municipality;
 - (2) avoiding dishonesty, corruption or favouritism in the procurement of goods and services;
 - (3) encouraging competitive bidding wherever possible and, in any event, minimizing the Municipality’s cost of acquiring goods and services while obtaining best value;
 - (4) utilizing suppliers who can be expected to provide satisfactory performance;
 - (5) taking into account environmental considerations in all procurement decisions and selecting environmentally beneficial goods and services where practical;
 - (6) complying with applicable regional, national, and international trade agreements, including the Agreement on Internal Trade and the Atlantic Procurement Agreement;
 - (7) complying with the *Public Procurement Act*, S.N.S. 2011, c. 12 and Regulations made pursuant to the *Public Procurement Act*.
- 5. Pursuant to s. 15(1) of the *Public Procurement Act*, all employees involved in procurement on behalf of the Municipality must:
 - (1) ensure their procurement activities are conducted according to this Policy, provincial and federal legislation, trade agreements and ethical business practices;
 - (2) encourage and support collaborative procurement amongst other municipalities and public sector entities such as hospitals and school boards;
 - (3) follow leading procurement practices;
 - (4) in good faith, conduct business with current and prospective suppliers and be fair in all business dealings;

- (5) strive to obtain the best value for each expenditure;
- (6) require suppliers provide accurate representations of goods, services and construction;
- (7) encourage suppliers to consider integrating environmental, economic and social considerations in their product or service offerings;
- (8) encourage the negotiation of an equitable and mutually acceptable settlement when a dispute arises; and
- (9) request removal from a procurement process when a personal conflict of interest is perceived.

PART II – NORMAL PROCUREMENT PRACTICES

6. In addition to adhering to the principles in sections 4 and 5, normal purchasing practices must be as described below in sections 7 to 10.
7. For goods and services having a value of less than \$3,000:
 - (1) The procurement decision must be made by the applicable Director OR Supervisor or by an employee designated by one of those persons.
 - (2) Goods and services must be procured under a standing offer if one exists for the goods or **services required, and if doing so will provide best value.**
 - (3) If the goods or services cannot be procured under subsection (2), they may be purchased from any supplier, unless municipal staff have reason to believe that:
 - (a) purchasing the goods or services from that supplier would not provide best value; or
 - (b) acquiring the goods and services from that supplier would otherwise not conform with the procurement principles in section 4.
8. For goods and services having a value between \$3,000 and \$15,000:
 - (1) The procurement decision must be made by the applicable Director.
 - (2) Goods and services must be procured under a standing offer if one exists for the goods or services required, and if doing so will provide best value.
 - (3) If the goods or services cannot be procured under subsection (2), the goods or services must be procured by a request for quotations.
9. For goods and services having a value between \$15,000 and \$30,000:
 - (1) The procurement decision must be made by the CAO.
 - (2) Goods and services must be procured under a standing offer if one exists for the goods or services required, and if doing so will provide best value.
 - (3) If the goods or services cannot be procured under subsection (2), the CAO must decide whether the goods or services must be procured by a request for quotations or by public tender.
 - (4) If the goods or services are procured by a request for quotations, in addition to any other requirements for the request for quotations process, the following requirements must be met:
 - (a) all quotations must be obtained in writing;
 - (b) the request for quotations must be placed on the Municipality's web page.
10. For goods and services having a value of more than \$30,000

- (1) The procurement decision must be made by Council, unless Council has expressly authorized the CAO to make the decision;
 - (2) Goods and services must be procured by public tender, which may be preceded by a request for qualifications or request for expressions of interest.
11. Municipal staff or Council (whoever has authority to award the contract under this Policy) may approve exceptions to the normal purchasing practices outlined in sections 7 to 10 of this Policy:
- (1) when a more competitive process normally used for goods and services of higher value, is used; or
 - (2) when, in accordance with the criteria described in the “alternative procurement practices” provisions at section 18 of this Policy, it is necessary or appropriate that the goods or services be purchased in accordance with that section.

PART III – GUIDELINES FOR PROCUREMENT PROCEDURES

12. Standing offers:

- (1) A standing offer is a source of supply available to the Municipality either through a standing price agreement with a supplier or as a member of a larger group of purchasers, and includes:
 - (a) a standing agreement between the Municipality and a supplier in which the supplier commits to providing specified goods or services at a specific price for a specific period of time. Such standing agreements should themselves be the subject of a competitive tender process;
 - (b) equipment leasing programs through the Government of Nova Scotia;
 - (c) Nova Scotia Provincial "standing offers" administered by the Nova Scotia Government;
 - (d) supplies and services available from the Nova Scotia Government;
 - (e) a procurement program administered by the Union of Nova Scotia Municipalities or the Association of Municipal Administrators;
 - (f) any other program available to several municipal units and other public sector entities such as hospitals and school boards, provided that municipal staff is satisfied that such program has been developed and conforms with the principles set out in section 4.

13. Request for quotations:

- (1) A request for quotations process involves informally obtaining price quotations from a number of different suppliers.
- (2) Requests for quotations are generally used when the cost of the goods or services does not warrant the time, effort and expense required for a formal public tender process.
- (3) Quotations must normally be sought from at least three suppliers but fewer suppliers may be used when three suppliers are not available within a reasonable distance, having regard to the value of the goods and services, the shipping or travel cost and the amount of time available before the goods and services are required to be available. If it is decided to obtain fewer than three quotations, the person responsible for that decision must document their reasons for doing so.
- (4) Quotations must normally be obtained in writing, but when time does not permit the obtaining of written quotations, the quotations may be obtained verbally, except when this Policy stipulates otherwise. If a quotation is obtained verbally, the person obtaining it must document the quotation, including the time, date, supplier, price and description of the goods and services, the person from whom the quotation was obtained and the name of the municipal staff obtaining the quotation.

14. Public tender:

- (1) Public tender means publicly advertising the Municipality's intended procurement of certain goods or services and inviting responses from interested suppliers.
- (2) Public tenders are used for higher value procurements, when the cost of the goods or services warrants the time, effort and expense required for a public tender process.
- (3) Public tenders can be in the form of traditional tenders (see section 15), requests for proposals (see section 16), two phase bids (see section 17), Request for Qualification (section 18).

15. Traditional tender:

- (1) A traditional tender is a formal invitation to suppliers to submit a bid to supply specified goods or services.
- (2) A traditional tender should be used when the procurement requirements of the Municipality can be clearly and completely specified.
- (3) Traditional tenders do not have to be opened in public, but if they are not, the name of each bidder and the amount of their bid must be made available to each bidder after the tenders are opened.
- (4) The Municipality must not negotiate with any bidders, but must award the procurement contract to the bidder that meets the tender requirements and provides best value.

16. Request for proposals:

- (1) A request for proposals is a formal invitation to suppliers to describe how their services, methods, equipment or products can address and/or meet the needs of the Municipality.
- (2) A request for proposals may be used when the Municipality is unable to clearly or completely specify the goods or services required, and suppliers are therefore asked to provide a solution to the problem, requirement or objective. Requests for proposals may also be used for professional and consulting services.
- (3) In order to preserve confidentiality of sensitive commercial information contained in a proposal, proposals submitted in response to a request for a proposal need not be opened in public, but must be opened in the presence of at least two representatives of the Municipality, and after the proposals are opened a list of the proponents must be available to the public and the proponents upon request.
- (4) Negotiations may be conducted with a proponent after proposals have been opened, subject to complying with the terms of the request for proposals which must be drafted to avoid unfair "bid-shopping" by the Municipality (that is, to avoid using the bids submitted as a negotiating tool to obtain a better price or other benefit).
- (5) The Municipality must award the procurement contract to the supplier whose proposal is determined to provide best value to the Municipality based upon the evaluation criteria set out in the request for proposals and equitably applied to all proposals.

17. Two phase bids:

- (1) A two phase bid process invites suppliers to submit bids as follows:
 - (a) Phase One: one or more steps in which bidders submit proposals for evaluation, either with or without prices in a separate submission;
 - (b) Phase Two: Only those bidders whose proposals were determined to be acceptable will be entitled to submit priced bids for consideration or, where prices are submitted separately in Phase One, the prices are opened.

- (2) A two phase bid process may be used when detailed specifications are not available or it is impractical to prepare a specification based on price
- (3) The Phase One submissions need not be opened in public, but must be opened in the presence of at least two representatives of the Municipality and a list of the proponents will be available to the public and the proponents upon request. Phase Two bids must be opened in public.
- (4) The Municipality must not negotiate with any bidders, and must award the procurement contract to the supplier whose proposal is determined to provide best value to the Municipality based upon the evaluation criteria set out in the Phase One request for submissions equitably applied to all proposals, and the prices in Phase Two.

18. Request for Qualification

- (1) A Request for Qualification is a formal invitation to suppliers of goods, services and construction and shall be used for the purpose of selecting qualified bidders if the nature of the work or services to be performed requires ascertainable minimum standards.

19. Alternative procurement practices

- (1) In certain circumstances, described in this section, the Municipality may purchase goods or services without using one of the options set out above. An alternative procurement purchase may occur only:
 - (a) Where an unforeseeable situation of urgency exists and the goods, services or construction cannot be obtained in time by means of open procurement procedures;
 - (b) Where goods or consulting services regarding matters of a confidential or privileged nature are to be purchased and the disclosure of those matters through an open tendering process could reasonably be expected to compromise government confidentiality, cause economic disruption or otherwise be contrary to the public interest;
 - (c) Where compliance with the open tendering provisions set out in this Policy would interfere with the Municipality's ability to maintain security or order or to protect human, animal or plant life or health;
 - (d) In the absence of tenders in response to an open or selective tender, or when the tenders submitted have been collusive, or not in conformity with the essential requirements in the tender;
 - (e) To ensure compatibility with existing products, to recognize exclusive rights, such as exclusive licenses, copyright and patent rights, or to maintain specialized products that must be maintained by the manufacturer or its representative;
 - (f) Where there is an absence of competition for technical reasons and the goods or services can be supplied only by a particular supplier and no alternative or substitute exists;
 - (g) For the procurement of goods or services the supply of which is controlled by a supplier that is a statutory monopoly;
 - (h) For the purchase of goods on a commodity market;
 - (i) For work to be performed on or about a leased building or portions thereof that may be performed only by the lessor;
 - (j) For work to be performed on property by a contractor according to provisions of a warranty or guarantee held in respect of the property or the original work;

- (k) For the procurement of a prototype or a first good or service to be developed in the course of and for a particular contract for research, experiment, study or original development, but not for any subsequent purchases;
 - (l) For the purchase of goods under exceptionally advantageous circumstances such as bankruptcy or receivership, but not for routine purchases;
 - (m) For the procurement of original works of art;
 - (n) For the procurement of subscriptions to newspapers, magazines or other periodicals;
 - (o) For the procurement of real property;
 - (p) For the procurement of goods intended for resale to the public;
 - (q) For procurement from philanthropic institutions, prison labour, persons with disabilities, sheltered workshop programs or through employment equity programs;
 - (r) For procurement from a public body or a non-profit organization; or
 - (s) For the procurement of services of expert witnesses, specifically in anticipation of litigation or for the purpose of conducting litigation.
- (2) When an alternative procurement purchase occurs, the reason for doing so must be documented.

PART IV – REQUIREMENTS FOR ALL PUBLIC TENDERS

20. The following requirements apply to all public tenders, whether traditional tenders, requests for proposals, or two phase bids:
- (1) The Municipality must provide reasonable notice and opportunity to respond to public tenders, and must post or place notices of public tenders as follows:
 - (a) on the public website maintained and operated by the government of Nova Scotia;
 - (b) on the Municipality's website;
 - (c) in other media, as directed by the CAO, when the CAO determines that the cost and nature of the procurement warrants the expense of doing so.
 - (2) Every public tender must include or have attached the terms and conditions that govern the tender.
 - (3) The terms and conditions of every notice of public tender must be consistent with:
 - (a) the standard instructions that support public tenders issued by the four Atlantic provinces for goods and services, known as the Atlantic Standard Terms and Conditions (a copy of which is attached as Schedule "A" to this Policy), for the procurement of goods and services;
 - (b) the standard instructions that support construction tenders issued by the government of Nova Scotia, known as the Construction Contract Guidelines (a copy of which is attached as Schedule "B" to this Policy), for the procurement of construction.
 - (4) Public tenders should normally include specifications or terms as follows:
 - (a) expressly or by implication outlining the issues or criteria that will be used for selection of a successful bidder or proponent;
 - (b) a privilege clause stating that the lowest or any bid or proposal will not necessarily be accepted;

- (c) the location for delivery of bids or proposals;
 - (d) the means of delivery of bids or proposals, e.g., whether faxes or e-mails are acceptable in addition to "hard copy" submissions;
 - (e) the time and date of closing;
 - (f) a warning that tender documents and bids will be open to the public, except to the extent otherwise stated in a call for tenders or a request for proposals, in which event there must be included a warning that proposals or bids are subject to the Freedom of Information and Protection of Privacy provisions of the *Municipal Government Act*;
 - (g) for design or architectural services, a statement that the Municipality will own the copyright in the design, plans and other intellectual property produced for the Municipality.
- (5) Public tenders should also include a form of contract that the successful bidder will be required to enter into with the Municipality, or should direct that bidders or proponents must provide the form of contract with their bid or proposal.
- (6) For each public tender that is awarded, the Municipality must post the name of the successful supplier and the contract amount on the public website maintained and operated by the government of Nova Scotia.
- (7) The terms and conditions of every public tender must state the criteria that the Municipality will use in evaluating responses. Those criteria are not limited to purchase price and life cycle cost considerations, but may also include items such as environmental and social considerations, delivery, servicing and the capacity of the supplier.
21. Upon the request of a supplier who is an unsuccessful bidder in a public tender, the Municipality must conduct a debriefing with that supplier to provide feedback on the evaluation of the public tender. The debriefing must be conducted as follows:
- (1) the CAO or the individuals who evaluated the public tender must conduct the debriefing;
 - (2) the debriefing must provide reasons for the disqualification of the supplier, or in the case where evaluation scoring was used, provide an overview of the supplier's score in each category and reasons for that score;
 - (3) the debriefing must also provide information to the supplier on how to improve future submissions;
 - (4) the debriefing must not disclose any information regarding other bidders or their submissions.

PART V – LOCAL PREFERENCE AND SUSTAINABILITY CONSIDERATIONS

Local preference

22. Municipal staff or Council (whoever has the authority to award the contract under this Policy) may give preference to purchasing goods and services from local businesses in accordance with the following:
- (1) In evaluating which goods or services offer best value to the Municipality, the Municipality must apply a preference of 5% to the price offered by a local business as compared with non-local businesses, such that the price offered by the local business is adjusted lower by 5% for the purposes of evaluating which goods or services offer best value.
 - (2) All requests for quotations and notices of public tender must state that local preference applies to the procurement.
 - (3) In accordance with the Atlantic Procurement Agreement, the local preference described above does not apply to the following procurements:
 - (a) goods that have a value of \$25,000 or greater;

- (b) services that have a value of \$50,000 or greater;
- (c) construction that has a value of \$100,000 or greater.

Sustainability considerations

- 23. Pursuant to the *Public Procurement Act*, in evaluating which goods or services offer best value to the Municipality, the Municipality may consider sustainability criteria, meaning environmental considerations, social considerations and economic considerations.
- 24. All requests for quotations and notices of public tender must list the sustainability criteria that apply to the procurement.

PART VI – SPECIAL SERVICES

Licensed Professionals

25. Legal Services

- (1) Legal Services shall be acquired by staff based upon work requirements from a roster of lawyers selected through a Request for Qualification based upon qualifications, experience, services offered, past performance, proposed fees and other relevant considerations. The selection of the lawyer from the roster in an individual case shall be based upon the particular expertise required for that case.
- (2) Legal services having a value of less than \$15,000 may be procured by the applicable Director.
- (3) Legal services having a value of \$15,000 or more shall be awarded by the CAO (or designate).
- (4) A Request for Qualification for legal services shall be issued, at a minimum, every three (3) years.

26. Professional Services (i.e. Architectural, Engineering, Communications, IT, Human Resources)

- (1) When these services are less than \$50,000, they shall be procured by the CAO from a roster of consultants selected through a Request for Qualification as identified in each Request for Qualification.
- (2) Consultants shall be selected, by project, based upon qualifications, experience, services offered, past performance, proposed fees, and other relevant considerations as outlined in the Request for Qualification.
- (3) A Request for Qualification for these services shall be issued, at a minimum, every two (2) years with an update annually.
- (4) A Request for Proposal shall be issued for required services over the value of \$50,000.
- (5) Rosters offered by the Province of Nova Scotia or other public sector entities may be used under the constraints within this policy where it is in the best interest of the Municipality.

Financial Services

27. Banking Services

- (1) General Banking services shall be acquired by public solicitation at intervals not greater than every five years. These services shall be contracted on a one year term to be renewed on an annual basis up to a five year maximum on terms satisfactory to the Municipality.

28. Auditing Services

- (1) Services of External Auditors shall be acquired by public tender at intervals not greater than every five years. These services may be contracted on a one year term to be renewed on an annual basis up to a five year maximum on terms satisfactory to the Municipality.
- (2) Selection of an auditor shall be completed by the Audit Committee of Council who shall recommend the selection of an External Auditor to Council. Annual renewal of the contract for External Audit services shall be made by the Audit Committee.

PART VII - GENERAL

Conflicts of interest

29. If a staff member otherwise authorized to award a contract has a conflict of interest (that is, he or she stands to gain or lose financially from a contract award), the award must be made by the person to whom the conflicted staff member normally reports and the conflicted staff member must not participate in the procurement process related to the contract in any manner. Where Council is awarding a contract, the *Municipal Conflict of Interest Act* applies.

Duration of contracts

30. Contracts for goods and services, other than those identified in Section VI, that are required to be procured by public tender under this Policy, including price agreements, must be re-tendered at least once every five years but may be re-tendered more frequently at the direction of Council.

Lease arrangements

31. Lease arrangements are subject to the provisions of this Policy, save and except that Council’s authority must be obtained for any leases required by the *Municipal Government Act* to be authorized by Council.

Approval of form of tender

32. Public tendering documents are to be reviewed by the CAO prior to issuance to ensure consistency of tendering documents and practices.

Expenditures

33. Expenditures for goods and services made pursuant to this Policy must be made in compliance with the Municipality’s Expenditures Policy.

Estimating the value of goods and services

34. In determining the cost of the goods or services for the purpose of deciding which of sections 7, 8, 9 or 10 apply to a purchase, staff must reasonably estimate the cost of the goods or services.

Posting on Municipal website

35. A copy of this Policy must be posted on the Municipality’s website.

Compliance with Policy

36. All staff and Councillors must act in good faith to comply with this Policy, but failure to comply with this Policy does not invalidate any procurement decision or act of the Municipality, nor is the Municipality liable to any supplier or prospective supplier for failing to comply with this Policy.

32. This Policy is effective upon adoption and replaces any previous Procurement Policies.

<u><i>Clerk’s Annotation for Official Policy Book</i></u>	
<i>Date of Notice to Council Members of Intent to consider (7 days minimum):</i> <u>January 21, 2015</u>	
<i>Date of Passage of Current Policy:</i>	
I certify that this <i>Procurement Policy</i> was adopted by Council as indicated above.	
Municipal Clerk	Date

MOTION CARRIED #15-0195.4 Council Remuneration Policy

IT WAS MOVED by Councillor Rector, seconded by Councillor Fletcher to approve the Council Remuneration Policy with amending section 7 to remove the reference to the reduction to missed meetings and add in a new clause 7 advising councillors are eligible to participate in the registered pension plan of the Municipality. The full Policy to be as such:

Municipality of Cumberland Policy 15-XX

Remuneration Policy for Members of Council

Title

1. This Policy is entitled the “Policy Respecting Remuneration for Member of Council

Remuneration

2. The annual remuneration to be paid to the members of Council, effective April 1, 2014:
 - (1) to the Warden, twenty-two thousand, seven hundred and seventy-two dollars (\$22,772) plus an additional stipend in the amount of fifteen thousand, eight hundred and one dollars (\$15,801) for carrying out the duties of the Warden’s office;
 - (2) to the Deputy Warden, twenty-two thousand, seven hundred and seventy-two dollars (\$22,772) plus an additional stipend in the amount of two thousand, two hundred and seventy-eight dollars (\$2,278) for carrying out the duties of the Deputy Warden’s office;
 - (3) to the Councillors, Twenty-two Thousand, Seven Hundred and Seventy-Two Dollars (\$22,772).
3. One third of the remuneration set forth in subsection (1) shall be an allowance for expenses incidental to the discharge of the duties of the respective member of Council as elected officers of the Municipality of the County of Cumberland in accordance with Section 81(3) of the *Income Tax Act (Canada)*.
4. Effective April 1, 2015 and in each subsequent April, the annual remuneration to be paid to members of Council shall be increased by the average annual change in the Consumer index for Nova Scotia, all items, published by statistics Canada for the preceding year.
5. Annual remuneration shall be paid in 26 instalments.
6. A review of Council remuneration will be conducted prior to 2016/17 budget approval and every 4 years thereafter as part of the Municipality’s compensation reviews.
7. A Council member is eligible to participate in the Municipality’s registered pension plan, subject to the requirement of the plan.

Remuneration from Appointed Positions

8. Where a council member is nominated or appointed by the Council to a board, commission or other position or is otherwise appointed as a representative of the Municipality, any remuneration from that position, excluding reimbursement of expenses, to which that council member is entitled shall be paid to the Municipality.

Reimbursement of Expenses

9. Members of Council shall be reimbursed for expenses incurred in accordance to the Municipality’s Policy on Council Member Reimbursement for Attending Meetings and Conferences.
10. This Policy is effective upon adoption and replaces any previous Reimbursement for Member of Council Policies.

<i>Clerk's Annotation for Official Policy Book</i>	
<i>Date of Notice to Council Members of Intent to consider (7 days minimum):</i> <u>January 21, 2015</u>	
<i>Date of Passage of Current Policy:</i> _____	
<i>I certify that this Remuneration to Members of Council 15-XX was adopted by Council as indicated above.</i>	
<i>Municipal Clerk</i>	<i>Date</i>

MOTION CARRIED #15-020

6. **BUSINESS ISSUES**

6.1 Ratification of Sunset Board Appointments

IT WAS MOVED by Councillor Gillis, seconded by Councillor Welton to ratify the following appointments to the Sunset Board:

**Tamara Tuttle (Jan 1/15 – Dec 31/2018)
David Arsenault (Jan 1/15 – Dec 31/2016)**

MOTION CARRIED #15-021

6.2 Community Development Grants – Mrs. Weaver, Recreation and Physical Activities advised the following grant requests were received:

CAST (Communities Addressing Suicide Together)

This group's focus is to raise awareness about mental health and to educate individuals about facts related to mental health. They plan to host two local events – the goal being to have a person, performer, and/or group who has personal experience with mental health and can share their story. They also plan to launch a headband campaign (much like the Live Strong bracelet campaign) to sell green headbands and use the proceeds toward additional mental health awareness events. They will encourage the public to wear the headbands on a specific date and to post pictures on social media to help raise awareness and "Start the Conversation". The theme for the Mental Health Awareness Day will be #DontJudgeMe.

The budget for the event is \$10,000 and they are currently relying on the majority to come from a Doctors NS grant they have applied for. If they do not receive the funding from them, they would still be able to use **\$1,000** from the County for information packages, a social media campaign, and promotional materials.

District 1, Councillor Smith, advised he would be willing to provide up to \$300 if they don't receive their grant from Doctor's N.S.

It was agreed to defer this item to the February 18th, 2015 Council session.

Cumberland African Nova Scotian Association

CANSA will be presenting "Black Mosaic" – Culture of Black History through the Ages in February 2015 celebrating a *Decade of Africans*. They are requesting **\$500** to offset costs for this interactive presentation for youth. The funding requested would go to supporting the fees and expenses associated with bringing in the professions for in province travel and expenses. The event will showcase music, poetry, and storytelling with two presentations – a two hour leadership workshop for youth during the day and an evening program opened to the general public in Cumberland County. The overall event budget is \$19,250.

IT WAS MOVED by Councillor Smith, seconded by Councillor Baker to provide \$500 from District 1 funds to CANSA for the presentation of "Black Mosaic".

MOTION CARRIED #15-022

7. **INFORMATION ITEMS**

7.1 CNTA Update – Provided in Councillors boxes.

7.2 Correspondence –.

- A. Wentworth School Sustainability Association.
Correspondence was provided to Council that will be presented by the
Wentworth School Sustainability Association to the CCRSB at their meeting this
evening. This correspondence was an economic report in support of maintaining
the school in Wentworth.

8. **ADJOURNMENT**

8.1 The Queen

The meeting was adjourned at 4:39 p.m. and The Queen was sung.

Warden Keith Hunter

Municipal Clerk Brenda Moore