

COMMITTEE OF THE WHOLE COUNCIL MEETING
August 16, 2022

The meeting was called to order by the Chair at 7:00 p.m., in the Conference Room, in the Administrative Centre, in Barrington, N.S., with the following members present:

- Andrea Mood-Nickerson, Chair
- Lindsay (Eddie) Nickerson
- Jody Crook
- George El-Jakl
- Shaun Hatfield

- Chris Frotten, CAO

ADDITIONS TO THE AGENDA

It was agreed that the following items be added to the agenda:

- TIR Matters
- Diversity and Inclusion
- Dry Wells

APPROVAL OF AGENDA

Being duly moved and seconded that the agenda be approved as amended.

Motion carried unanimously.

APPROVAL OF MINUTES

Being duly moved and seconded that minutes of the regular meeting held August 9, 2022, be approved as circulated.

Motion carried unanimously.

MATTERS ARISING FROM PREVIOUS MEETINGS

Southwest Nova Biosphere Reserve Request Re: OECMs

Further to the presentation by representatives of the Southwest Nova Biosphere Reserve on July 19, 2022, members discussed their request for the Municipality to consider properties that could be submitted for assessment to be used as part of their "Other Effective Area-Based Conservation Measures". As mentioned during their presentation this designation will in no way change or restrict the use of the property.

Members did not request any further action be taken on OECMs.

LETTER FROM TOWN OF CLARKS HARBOUR RE: WASTEWATER TREATMENT FACILITY

Correspondence has been received from the Town of Clarks Harbour advising that they will be pursuing a new Wastewater Treatment Facility and is asking if the Municipality would be interested in utilizing this facility.

Resolution COW220809

Being duly moved and seconded that it be recommended to Council to have the CAO and Warden meet with the Mayor and Clerk of the Town of Clark's Harbour to explore any options that may be of benefit to the Municipality utilizing the Town of Clark's Harbour sewer.

AFFIRMATIVE

Jody Crook
Andrea Mood-Nickerson
Lindsay (Eddie) Nickerson

NEGATIVE

George El-Jakl
Shaun Hatfield

Motion carried.

KENNY ROAD

Members are once again being asked to consider asking the Province to convey ownership of Kenny Road to the Municipality. It is felt that if the Municipality owns the property then we would be in a better position to restrict access and therefore be able to cut down on the amount of illegal dumping taking place in that area.

Resolution COW220810

Being duly moved and seconded that it be recommended to Council to have the CAO assess the impact on the Municipality if it were to own the road.

Motion carried unanimously.

APPOINTMENT TO BAY SIDE HOME BOARD OF DIRECTORS

The Board of Directors of Bay Side Home is requesting the appointment of Renata Monteiro to their board to fill the existing vacancy.

Resolution COW220811

Being duly moved and seconded that it be recommended to Council to appoint Renata Monteiro to the Board of Directors of Bay Side Home.

Motion carried unanimously.

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DRAFT ASSET MANAGEMENT PLAN, POLICY AND PROCEDURE FRAMEWORK

The following draft documents were presented for review of members:

- Asset Management Policy
- Climate Change Mitigation Strategies
- Timelines/Council Resolutions
- Communication Strategy

Resolution COW220812

Being duly moved and seconded that it be recommended to Council to include the presented communications plan in the draft asset management plan.

Motion carried unanimously.

Resolution COW220813

Being duly moved and seconded that it be recommended to Council to include the climate change mitigation strategies in our draft asset management plan.

AFFIRMATIVE

Jody Crook
Andrea Mood-Nickerson
George El-Jakl
Shaun Hatfield

NEGATIVE

Lindsay (Eddie) Nickerson

Motion carried.

PROVINCIAL COST SHARED PAVING PROGRAM

Correspondence has been received from the Department of Public Works requesting road submissions for the 2023-24 construction season. As in the past, this program provides for 50% cost sharing of approved projects.

Resolution COW220814

Being duly moved and seconded that it be recommended to Council that Symonds Road be submitted to the list for paving under the cost share program since it's been on the list for decades.

Motion carried unanimously.

Resolution COW220815

Being duly moved and seconded that it be recommended to Council that Butler's Road be submitted to the list for paving under the cost share program.

Motion carried unanimously.

Resolution COW220816

Being duly moved and seconded that it be recommended to Council that Station Road in Shag Harbour be submitted to the list for paving under the cost share program.

Motion carried unanimously.

STAFF REPORT RE: TAX SALE

In advance to the meeting, members were provided with a Staff Report regarding our Tax Sale Process. Staff is once again requesting that the 2023 Tax Sale be conducted through a public tender process. A copy of the Staff Report is attached and forms part of the minutes.

Resolution COW220817

Being duly moved and seconded that it be recommended to Council that the 2023 Tax Sale be held by public tender but increase the non-refundable deposit from \$200 to \$500.

Motion carried unanimously.

GRANT REQUEST – BONNY CASTLE CEMETERY

A grant application has been received for a grant to assist with the cost of providing maintenance to the Bonny Castle Cemetery in Upper Clyde.

Resolution COW220818

Being duly moved and seconded that it be recommended to Council that a grant in the amount of \$500.00 be provided to the Bonny Castle Cemetery.

Motion carried unanimously.

NSFM UPDATE

In advance to the meeting members were provided with a NSFM Monday Memo Summary Sheet covering the period July 26th to August 15th, 2022.

TIR MATTERS

Councillor Hatfield brought forward several TIR matters of concern.

Resolution COW220819

Being duly moved and seconded that it be recommended to Council to write to the NS Department of Public Works to assess non-local transport truck traffic between Exits 29 and 30.

AFFIRMATIVE

Andrea Mood-Nickerson
George El-Jakl
Shaun Hatfield
Lindsay (Eddie) Nickerson

NEGATIVE

Jody Crook

Motion carried.

Resolution COW220820

Being duly moved and seconded that it be recommended to Council to write to the NS Department of Public Works to request that a “no left turn” sign be installed around the yield sign, near the Irving gas station and No Frills in Barrington Passage to prohibit motorists from turning left from within the yield area.

Motion carried unanimously.

Resolution COW220821

Being duly moved and seconded that it be recommended to Council to write to the NS Department of Public Works to request that the left turning lane next to Barrington Passage be evaluated due to its proximity to the traffic lights and the confusion it causes to motorists.

Motion carried unanimously.

DIVERSITY & INCLUSION

Councillor Hatfield requested an update as to when the topic of diversity and inclusion would be reconsidered by Council. The CAO explained that it would be on the agenda of one of the September Committee of the Whole meetings.

DRY WELLS

Councillor Hatfield noted that some of his constituents have expressed to him that their wells are getting low or going dry. He asked the CAO whether the Municipality was preparing for any water assistance. The CAO confirmed that no preparations were underway to provide water assistance but any reports of low or dry wells should be forward to Dwayne Hunt, the Municipality’s Fire Services and EMO Coordinator as he monitors the reports and assesses whether any assistance is required.

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ADJOURNMENT

The meeting was adjourned at 9:37 p.m.

Chair

Secretary for the Meeting



An ocean of opportunity

STAFF REPORT

SUBMITTED BY: Leah d'Eon

DATE: July 28, 2022

SUBJECT: Tax Sale Process

ORIGIN

We have a yearly property tax sale typically held in February, and for the past two years, the sale has been done by tender due to COVID-19 restrictions. These tax sales were highly successful; therefore we are seeking direction from Council whether to hold the tax sale in-person or continue with a tendering process.

BACKGROUND

Tax Sale Proceedings

As per our Tax Collection and Tax Sale policy and section 134(1) of the Municipal Government Act, the Municipality collects overdue tax by way of a property tax sale each year. Properties are placed on tax sale when the property taxes are two full years in arrears. Once the listing is certified by the Treasurer, the tax clerk proceeds through the steps of a tax sale which include the following.

- Preliminary Notices – Notices sent are sent to property owners, advising them that taxes are in arrears and providing them with 14 days to pay their outstanding property taxes.
- Title Search – A title search of the properties on the Tax Sale list is performed by the municipal solicitor.
- Notice of Intent to Sell – Once the title searches are completed, another notice is provided to the property owners, spouses, and any person with a mortgage, lien or other interest in the land.
- Advertisements and Notice – Properties to be sold at tax sale shall be advertised in two issues of the local newspaper. A listing is posted to the municipal website and information regarding the properties can be found at the Municipal Administration office.
- Tax Sale – Typically a public auction held at the Municipal Administration Building.

Tax Sale by Tender

Section 141 of the Municipal Government Act allows the Treasurer, with the consent of the council, to call tenders for property rather than put the property up for sale at public auction.

Section 149 of the Municipal Government Act describes the authority municipalities have to sell land by tender:

(1) Where a municipality calls tenders for land to be sold for taxes, the municipality may reject all tenders if

(a) the price tendered is less than the taxes, interest, and expenses; and

(b) the council considers that the best price offered is inadequate, and may again put the land up for sale, by tender or by public auction.

(2) Where a municipality calls tenders for land to be sold for taxes, the person whose tender is accepted shall pay the tender price within three business days after being notified of the acceptance.

(3) Where the balance of the purchase money is not paid within three business days, the land shall again be advertised and put up for sale.

(4) The expenses of the resale shall be deducted from the deposit and the balance shall be refunded after the resale is held.

DISCUSSION

Public Auction

In a typical property tax sale, we normally have between 20-30 properties to be sold with 40-50 bidders in attendance. This usually translates in most properties being sold and their outstanding taxes paid.

The tax sale is scheduled on a certain date/time and bidders are required to be present to bid. Bids are received by the public, with the highest bid winning the property. Bidders are required to pay the minimum bid price at the time of the tax sale and any remaining balance must be paid within 3 business days. Many of the properties are sold for the minimum bid price. Any surplus funds are held in a separate account for 20 years and then transferred to the Municipality if they are not requested by the property owner.

From a staff's perspective, a public action is very fast paced, and the workflow is much more intense and demanding.

Tax Sale by Tender

For the most part, the process for a tax sale by tender is the same as our regular tax sale process. We would send preliminary notices, perform title searches, send notices of intent to sell and advertise. The only difference would be that instead of having a public auction, we would accept bids on the properties.

Tenders would be accepted in a sealed envelope by the close of the tender (specific date and time). Minimum bids would be set at the amount of outstanding property taxes, tax sale expenses, deed registration and any applicable taxes. The tender would be required to meet the minimum bid set for the property.

Bidders are only permitted one bid per property and must provide their best price in order to be the successful bidder. The Municipality would reserve the right to reject any or all tenders, to accept a tender that is not the highest bid, or to accept any tender which it may consider to be in its best interest and the accepted tender price would have to be paid within three business days. Failure to pay the accepted tender price within three business days would result in the property being placed on the list of the next property tax sale.

The tender opening would be held shortly after the close of the tender. When municipal tenders are opened, we have at minimum 2 staff members present. Bid listings are created and signed off by all employees present to ensure accuracy and formal notice would be given the following business day. The results would then be posted on the municipal website.

We believe the tender process allows more bidders to bid on properties, which likely results in more properties being sold. We received over 100 bids each year on the properties remaining on the tax sale listing on the tax sale date. We also believe that the tendering process allows for bids from interested parties that may not be able to attend the tax sale in person. We have received bids from across Canada, the US and worldwide. This allowed everyone an equal opportunity to bid without having to be physically present.

One issue that we've experienced is when a bidder "cancels" their bid after they have won. In that case, Section 149(3) of the MGA is clear that if the successful bidder does not pay the balance of the property within 3 days, the property needs to be put up for tax sale again. That means we are not able to go to the second highest bidder. To counteract this issue, we required a deposit of \$200 to make any bids at the last tax sale. This discouraged people from bidding on properties that they were not highly interested in and reduced the number of cancelled bids. The deposit is kept by the Municipality if the sale does not proceed.

Logistically, tax sale by tender allows for a controlled workflow for the tax department. As tenders are received, they are sorted and placed in a secure location until the tender deadline has passed. Staff are able to open the tenders in an organized manner and all documentation is fully reviewed by multiple staff and recorded.

Finally, bid amounts received by tender are typically higher than the public auction, thus closer to fair value.

BUDGET IMPLICATIONS

Property taxes receivable balance as of March 31, 2023, would be impacted if the tax sale process is not completed prior to our fiscal year end. While this would not affect our yearly budget, an increased accounts receivable balance at year end would affect our municipal indicators. Accounts receivable collections is an area that we have improved upon over the past number of years and we continue to strive to achieve a “green” rating for that indicator.

LEGAL IMPLICATIONS

N/A

PUBLIC CONSULTATION/COMMUNICATIONS

N/A

RECOMMENDATION

For the reasons listed above, **it is recommended that the property tax sale be once again conducted through a public tender process.**

ATTACHMENTS

- Draft Property Tax Sale Tender Document

DRAFT PROPERTY TAX SALE BY SEALED TENDER

Notice is hereby given, in accordance with the Municipal Government Act, Part 6, Section 142, that the Municipality of the District of Barrington is inviting sealed tenders for the following properties:

ASSESSMENT #	PID #	PROPERTY DESCRIPTION	ASSESSED OWNER	MINIMUM BID
12345678	8000000	Land	John Doe	\$ 1, 000

For a more detailed description of the property, please see the tax sale list on our website or contact the Municipality of Barrington at 902-637-2015, extension 224, or via email wchristie@barringtonmunicipality.com.

Tenders shall be submitted in a sealed envelope, addressed to the undersigned and shall be clearly marked on the outside of the envelope, **“PROPERTY TAX SALE BY TENDER,”** and **“ASSESSMENT ACCOUNT NUMBER”** to 2447 Highway 3, Barrington, NS, B0W 1E0. A refundable \$ 200 deposit is required with each bid, paid by cheque or money order.

Bidders shall complete one **“Tender Form”** for each property they are bidding on and place each form in its own envelope when bidding on more than one property. The forms are available on the municipal website, barringtonmunicipality.com, by calling (902) 637-2015, ext 224, or email, wchristie@barringtonmunicipality.com.

TENDERS WILL BE ACCEPTED UNTIL 2 P.M. ATLANTIC STANDARD TIME ON TUESDAY, February 14, 2023.

TERMS: Bidder must meet the minimum bid set per property; bid price includes HST (if applicable) and the certificate of sale and certificate of discharge/tax deed recording fees. **The accepted tender price must be paid within three full business days after being notified of acceptance. Failure to pay the accepted tender price within three full business days will result in the property being placed on the next property tax sale. Acceptable methods of payment will be by cash, certified cheque, money order, bank draft, irrevocable letter of credit or lawyer’s trust cheque as per the MGA 148(1.)**

All properties are sold “as is where is.” Although the Municipality has made all reasonable efforts to confirm ownership, it does not guarantee title or boundaries of the aforementioned property. Prospective purchasers are responsible to conduct their own searches and surveys or other investigations.

The Municipality reserves the right to reject any or all tenders, to accept a tender that is not the highest bid, or to accept any tender which it may consider to be in its best interest. The Municipality also reserves the right to waive formality, informality, or technicality in any tender. Tenders must be received by a qualified bidder.

LIMITATION OF LIABILITY: By submitting a tender, you agree that neither the Municipality, nor any of its employees, officers, agents, elected appointed officials, advisors or representatives will be liable, under any circumstances, for any claim, loss, or damage you may suffer arising out of this tender process.

TENDER OPENING: Tenders will be opened Tuesday, February 14th at 2:30 p.m. The successful bidder will have three full business days after notice to pay in full by certified cheque, money order, bank draft, irrevocable letter of credit or lawyer’s trust cheque.

Leah d’Eon
Director of Finance

TENDER FORM
PROPERTY TAX SALE BY SEALED TENDER

NAME(S): _____

MAILING ADDRESS: _____

TELEPHONE: _____ EMAIL: _____

ASSESSMENT ACCOUNT #: _____ BID AMOUNT: _____

MANNER OF TENURE: _____

The manner of Tenure should be chosen if there will be more than one owner of the property. The choices are either as Joint Tenants or as Tenants in Common. If Joint Tenants are chosen, it means that if any of the multiple owners passes away, the other(s) will inherit the entire property. If Tenants in Common are chosen and one of the owners passes away, their share of the ownership would be passed to their heirs. If a Manner of tenure is not selected, the default choice will be Tenants in Common.

SIGNATURE: _____ DATE: _____

Summary Instructions for Sealed Tenders and Terms/Conditions:

1. One tender form per assessment number must be submitted. Each form must be in a separate envelope when submitting a bid on more than one property.
2. A refundable \$ 200 deposit is required with each bid, paid by cheque or money order.
3. All properties are sold "as is where is." Although the Municipality has made all reasonable efforts to confirm ownership, it does not guarantee title or boundaries of the aforementioned property.
4. Tax Sales do not always clear up defects in title, the tax deed only conveys the interest of those assessed.
5. Pursuant to Section 144(2) of the NS MGA, purchase of Tax Sale Property by Municipal Employees or their Spouses is not permitted.
6. The successful bidder will be given three full business days after the awarding of the tender to pay the bid amount in full.
7. Faxed/electronic (emailed) tenders will not be considered.
8. The Municipality reserves the right to reject any or all tenders, to accept a tender that is not the highest bid, or to accept any tender which it may consider to be in its best interest.
9. The tender must meet the minimum bid set for the property.
10. Limitation of Liability: By submitting a tender, you agree that neither the Municipality, nor its employees, officers, agents, elected appointed officials, advisors or representatives will be liable, under any circumstances, for any claim, loss, or damage you may suffer out of this tender process.