



PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Item No. 10.1.1

Western Region Community Council  
March 23, 2009

TO: Chair and Members of Western Region Community Council

SUBMITTED BY: \_\_\_\_\_  
Cathie O'Toole, CGA, Director, Finance

DATE: February 19, 2009

SUBJECT: Uniform Charge for Birch Bear Run Homeowners Association

**ORIGIN**

Interim Area Rate Guidelines were adopted by Council in January 2000 to create a process to assist communities establish new area rates (or uniform charges), and to ensure that all taxpayers have an opportunity to participate in setting a rate. The Guidelines are also intended to ensure that rates are set only for valid municipal purposes and not for services already covered by the general rate.

The purpose of this report is to determine if the Interim Area Rate Guidelines have been satisfied thus far with regard to a proposed new uniform charge for the Birch Bear Run Homeowners Association.

**RECOMMENDATION**

**It is recommended Western Region Community Council recommend to Regional Council that:**

**A uniform charge of \$60.00 per property be approved to be applied against the properties within the mapped area depicted in Appendix A of this report for a period of 4 years commencing with the 2009-10 fiscal year for the purpose of funding the construction of a new playground for the Birch Bear Woods subdivision. Implementation of this area rate would be conditional on the Birch Bear Run Homeowners Association securing one-third funding from HRM and one-third funding from the Nova Scotia Department of Health Promotion and Protection.**

## **BACKGROUND**

The Birch Bear Run Homeowners Association (BBRHA), which has been registered with the Registry of Joint Stock Companies since October 2, 2007, has been working with HRM and the Nova Scotia Department of Health Promotion and Protection to obtain funding for a new playground in the Birch Bear Woods subdivision located near Lewis Lake in District 23. The total cost of constructing the playground including all landscaping and fencing would be approximately \$70,000. The Association obtained the estimate through HRM from a qualified vendor based on detailed specifications. A diagram outlining the specifications is included in Appendix B of this report.

The area rate, which would be for a period of 4 years commencing in 2009-10, is intended to raise one-third of the funding required to cover the cost of this project. The other two-thirds would be provided by HRM and Health Promotion and Protection in equal shares. HRM's one-third share of \$23,300 would be included in the proposed 2009-10 Capital Budget. The area rate would not proceed unless Council approves HRM's share, and written confirmation is received from Health Promotion and Protection with respect to their one-third share of the cost.

## **DISCUSSION**

The current status of this uniform charge in terms of the Interim Area Rate Guidelines is as follows:

- 1. Area rates can only be used for the provision of services within the municipal mandate; services traditionally provided by the municipality.*

Section 65 (ag) of the Municipal Government Act states that "Council may expend money required by the municipality for playgrounds, trails, bicycle paths, swimming pools, ice arenas and other recreational facilities." The Halifax Regional Municipality and its predecessor municipal units have traditionally funded, either entirely or partially through partnerships, the construction and ongoing operating costs of recreation facilities.

- 2. Area rates are not to be used to provide different levels of a municipal service within urban and suburban areas where said service is covered by the general tax rate.*

The community to which the uniform charge would be applied is entirely within the rural area of HRM. The BBRHA is not duplicating any services provided directly by HRM to the Birch Bear Woods subdivision.

- 3. In order for a proposed new area rate to move to the process as outlined in #4 below, it must have the support of the area's Councillor(s).*

The catchment area for this uniform charge falls entirely within District 23. In January 2009, the Councillor for the District, Peter Lund, authorized a vote to be conducted of all community

households to determine if there was support from a majority of the community for the uniform charge. The results of the vote are indicated below. Having determined that sufficient support existed, he has requested staff prepare a report in compliance with Step 5 of the Interim Area Rate Guidelines for consideration at the next meeting of the Western Region Community Council.

- 4. Proposals for new area rates must be advertised publicly, clearly identifying affected areas, the purpose for the rate, rate information and the duration the rate is expected to be charged. A public meeting will be held and those attending the meeting will be informed of the rationale for the rate and consulted on its appropriateness.*

An information package including a ballot was mailed to the owners of all 109 taxable properties identified within the proposed catchment area. A map of the proposed catchment area is provided in Appendix A of this report, and a copy of the information package is provided in Appendix B. The information package included details of the purpose and amount of the uniform charge, and the date, time and location of a public information meeting which was held on January 8, 2009. The results of the ballot are shown below.

**Tabulation of Ballots**

Total For Uniform Charge:	46
Total Against Uniform Charge:	4
Total Ballots Distributed:	109
Total Ballots Returned:	50
% Respondents voting For:	92.0 %
% Respondents voting Against:	8.0 %
Response Rate:	45.9 %

- 5. With the concurrence of the Councillor, the request is forwarded to the Community Council for review and a recommendation to Halifax Regional Council. Where a Community Council does not exist, the request will go directly to Halifax Regional Council.*

The purpose of this report is to provide the Western Region Community Council with the necessary information required to consider making a recommendation to Halifax Regional Council for initiating this uniform charge within the proposed catchment area. The implications to the Municipality are identified under the Budget Implications section which follows.

- 6. Any proposed new area rates recommended by a Community Council (or, in the absence of a Community Council, the Councillor for the area) will be submitted to Halifax Regional Council through a staff report with a recommendation from the*

*Chief Administrative Officer. The staff report will identify the implications to the Municipality along with the results of any public meeting.*

7. *Halifax Regional Council is responsible for approving all area rates.*

Completion of steps 6 and 7 are contingent on the Western Region Community Council approving the Recommendation contained in this report.

### **BUDGET IMPLICATIONS**

The uniform charge would take effect in the 2009/10 fiscal year, and is contingent on Council approving \$23,300 from the 2009/10 Capital Budget for HRM's one-third share of the cost of this project, and on approval by the Nova Scotia Department of Health Promotion and Protection of an award for an additional \$23,300. These conditions are included in the wording of the Recommendation. Health Promotion and Protection will not be in a position to make award recommendations until the Province approves its 2009/10 Operating Budget.

The uniform charge of \$60 per property could be adjusted downward in the fourth year depending on the final cost of the project and changes in the number of taxable properties. For example, if the final cost of the project was exactly \$70,000, then the charge could be reduced to \$34 per property in the fourth year if the number of taxable properties remains unchanged at 109.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ALTERNATIVES**

1. Because confirmation of the award amount from the Nova Scotia Department of Health Promotion and Protection will not occur until the Province approves its 2009-10 Operating Budget, Community Council could recommend to Regional Council that HRM's contribution be based on any shortfall in funding remaining once Health Promotion and Protection announces the amount of the award. HRM's minimum award amount could be set at one-third of the total project cost.
2. Community Council could change the amount of the uniform charge by varying the required proportion of funding from the three sources identified in this report.
3. Community Council could decide not to implement the uniform charge. However, this is not recommended as the BBRHA has received a strong endorsement from the owners of property within the Birch Bear Woods subdivision to proceed with it.

**ATTACHMENTS**

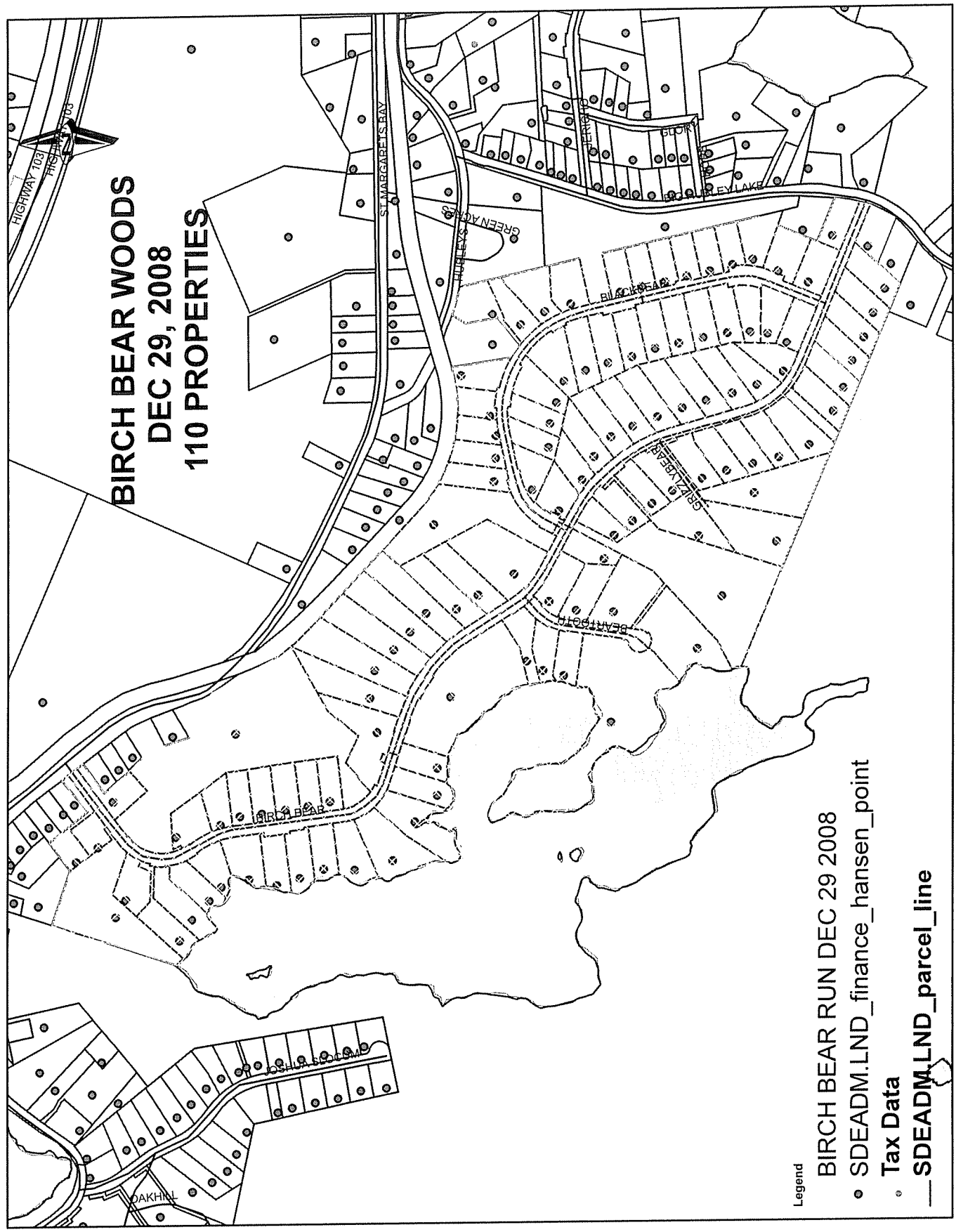
- Appendix A: Map of Catchment Area for Proposed Uniform Charge for Birch Bear Run Homeowners Association  
Appendix B: Copy of Ballot and Information Package mailed to Property Owners

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Gordon Roussel, Financial Consultant, Finance 490-6468



Report Approved by: Paul Fleming, Manager, Budget & Financial Analysis 490-7203



## Appendix B

**HALIFAX**  
REGIONAL MUNICIPALITY  
**AREA TAX RATE BALLOT**

January 2, 2009

OWNER OWNER 2  
ADDRESS  
CITY, PROV PC

Assessment # AAN  
LOCATION

Dear Birch Bear Woods Property Owner:

The Birch Bear Run Homeowners Association (BBRHA) was formed by a volunteer group of residents and registered under the Societies Act with the Registry of Joint Stock Companies in October 2007. The BBRHA exists to represent the interests of the residents of Birch Bear Woods and to enhance the quality of life within the subdivision. This is accomplished through neighbourhood improvement programs, recreation development, and social activities for all residents to enjoy. Feedback from residents has indicated that one of their top priorities is the development of a playground for the subdivision.

Please find enclosed in this mailing the following:

1. Letter from the Association to residents which provides information on the proposed playground
2. Diagram of the proposed playground structures
3. Map indicating location of the playground

Two-thirds of the funding required to cover the cost of constructing the playground would be provided by HRM and the Province. The Association proposes that the remaining one-third be provided by the residents of Birch Bear Woods through an annual area rate of \$60 per property over a 4 year period starting in 2009. In accordance with the Halifax Regional Municipality's procedure for implementing area rates, the property owners in the subdivision must be consulted with regard to whether they wish to pay this area rate to contribute to the cost of constructing the playground. Each property is provided with one ballot and one vote. If a simple majority (50% +1) of ballots returned vote in favour of the area rate, it will be applied to the tax bills of all properties in the subdivision.

For more information, please plan to attend the meeting scheduled for **Thursday, January 8<sup>th</sup> at 7:00 pm at the Tantallon Public Library**. Representatives of HRM will be in attendance along with members of the Association's Executive to help answer your questions.

As the owner of the property identified above, you are entitled to one vote. Please complete the ballot below and either drop it off at the meeting, fax it to 490-5622, or return it in the enclosed self-addressed envelope.

If you lose your ballot, or have any questions specific to the balloting process, please contact Gordon Roussel at 490-6468. For questions regarding the playground, please contact one of the Executive members listed at the end of the enclosed letter from the Association.

**Please note that all Ballots must be received by Wednesday, January 14, 2009 (No exceptions !).** If you are mailing your ballot in, please allow adequate time for delivery.

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- YES**, I am in favour of paying an area rate of \$60 per year for 4 years starting in 2009 for the construction of a playground in the Birch Bear Woods subdivision.
- NO**, I am not in favour of paying an area rate of \$60 per year for 4 years starting in 2009 for the construction of a playground in the Birch Bear Woods subdivision.

**Assessment #AAN**

**NOTE:** Only one vote per assessment number will be counted. Ballots with written-in, typed-in, or altered assessment numbers will not be accepted.

## Birch Bear Run Homeowners Association

To All Home Owners:

### An Important Message

As you know we are in the process of trying to arrange to have a playground in our subdivision. We cannot do this unless we have your support.

*The key issues are:*

- 1. Where will the money come from?*
- 2. How much will it cost?*
- 3. Who will pay to maintain it once it is built?*
- 4. What are the benefits of having a playground in our community?*
- 5. What are the next steps?*
- 6. What do "I" need to do?*

We will try to answer these questions for you and let you know what you can do to help.

- 1. Where will the money come from?*

The money will come from three sources, the Province, the City and an interim area rate if approved by a majority of voting property owners. It is roughly a third, a third and a third.

- 2. How much will it cost?*

The preliminary quotes coming in are that the total cost of the project will be approximately \$70,000. This includes site preparation, playground equipment, landscaping, playground furnishings (i.e. garbage receptacles, benches/picnic tables etc.) and fencing to enclose the play area.

- 3. Who will pay to maintain the area once it is built?*

The lot that the playground will be built on has been given/purchased by the City from the developer therefore; the City is responsible for its maintenance.



4. *What are the benefits of having a playground in our community?*

There are several benefits of the playground in our community. They are:

- A safe place for our youth to play.
- A place for activity so they can keep fit.
- A place for families to spend time together in a fun way.
- The value of a property may be enhanced by the amount of amenities in a community.

5. *What are the next steps?*

The next steps are as follows. We will be setting up an information night to answer all your questions that this document doesn't cover. That date will be the 8<sup>th</sup> of January 2009 at the Tantallon Public Library at 7:00pm. Your vote for the area rate to fund the playground is essential. The last step is that the association is applying for funding from government agencies in order to get the monies in place for summer 2009, if possible.

6. *What do "I" need to do?*

Two things: *First* come out to the information session to get any questions you may have answered to your satisfaction, *Second* vote and mail in your vote. We need to see that you are interested. The City has a lot of requests for these funds and it is granted on a needs basis as well as the community involvement. So please help us provide for the children in our community.

Your association has been working hard on your behalf to get this project up and running but there are a number of other issues that we will need your input on. This includes the current zoning rules, the proper use of the second piece of parkland that is on the lake and other developments. If you would like to join any committee you would be most welcomed.

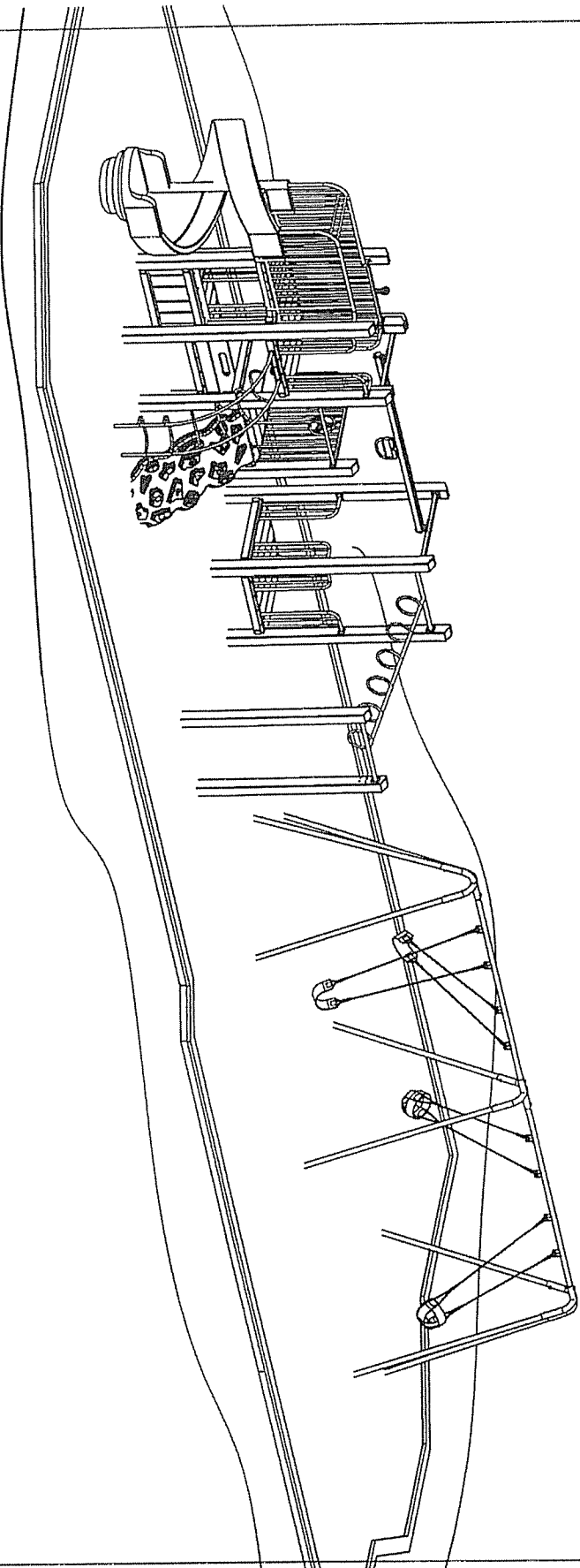
If you have any questions or concerns please feel free to call any member of the executive, they are:


Jolene Redmond	Chairperson	876-2559
Jim Hanifen	Vice-Chair	876-7991
Linda Warden	Secretary	405-4991

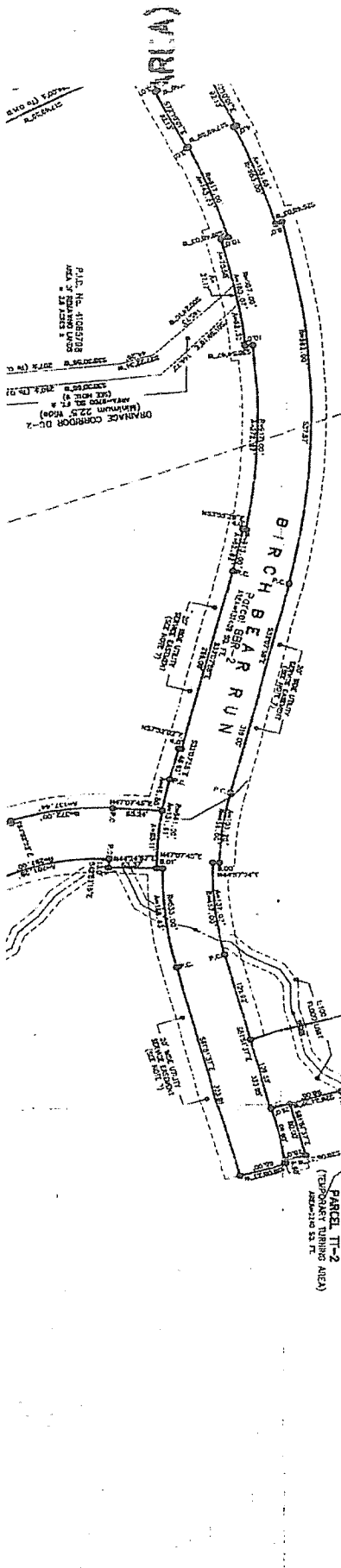
Thank you for your support.

Birch Bear Run Homeowners Association  
(BBRHA)

DETAILS AND SPECIFICATIONS MAY VARY DUE TO CONTINUING PRODUCT IMPROVEMENTS

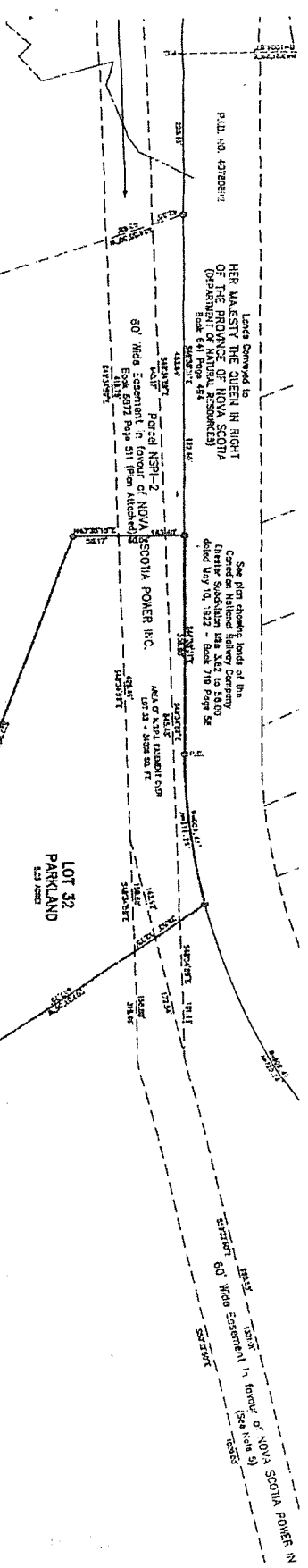


 Creative Playsystems		CLIENT: HRM - BIRCH BEAR RUN		INFORMATION: PERIMETER SIZE 210' SURFACING AREA 2038 SQ. FT. "P" STONE: 11.3 TONNE (12" DEEP) REQUIRED AREA 2369 SQ. FT.		DATE: Dec. 14/07 DWN: M.C.		REVISED: Dec. 8/08 AGE GROUP: 5 - 12 YRS.		SCALE: N.T.S.	
P.O. Box 812, Kentville, NS, B4N 4H8 1 800 657-7529 info@timbertec.co www.timbertec.co		MODEL: CUSTOM PLAY STRUCTURE		SHEET TITLE: 3D VIEW		AREA: ..		TYPE: TTW		FILE NO. 13107-R2	
SHEET: B-1											



P.L.D. No. 4182/78  
 Lands Conveyed to  
**NOVA SCOTIA LTD. and  
 31 NOVA SCOTIA LTD.**  
 Book 8722 Page 489  
 (Portion thereof)  
 Part of Crown Grant 19833  
 TO  
 AND OF PARCELS 1 AND  
 21 19833

P.L.D. No. 4053/82  
 Lands Conveyed to  
**3050381 NOVA SCOTIA LTD. and  
 3038081 NOVA SCOTIA LTD.**  
 Book 8132 Page 489  
 (Portion thereof)  
 AND OF PARCELS 1 AND  
 21 19833



P.L.D. No. 4378/82  
 HER MAJESTY THE QUEEN IN RIGHT  
 OF THE PROVINCE OF NOVA SCOTIA  
 (DEPARTMENT OF NATURAL RESOURCES)

Lands Conveyed to  
 HER MAJESTY THE QUEEN IN RIGHT  
 OF THE PROVINCE OF NOVA SCOTIA  
 (DEPARTMENT OF NATURAL RESOURCES)

See plan showing lands of the  
 Crown in Nova Scotia  
 their subdivision into 361 to 540  
 dated May 18, 1922 - Book 718 Page 58

60' Wide Easement in favor of NOVA SCOTIA POWER INC.  
 (See Note 5)