

**Item No. 11.2.1**  
**Halifax Regional Council**  
**April 9, 2013**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
Councillor Johns, Chair, North West Community Council

**DATE:** March 26, 2013

**SUBJECT:** Uniform Charge for Three Brooks Homeowner's Association

**RECOMMENDATION REPORT**

**ORIGIN**

- Interim Area Rate Guidelines adopted by Regional Council in January 2000
- North West Community Council, March 25, 2013 – Item 10.1

**LEGISLATIVE AUTHORITY**

- HRM Charter section 96 (1) The Council may spend money in an area, or for the benefit of an area, for any purpose for which the Municipality may expend funds or borrow.
- HRM Charter section 96 (4) The Council may, in lieu of levying an area rate, levy a uniform charge on each (a) taxable property assessment; (b) dwelling unit, in the area.

**RECOMMENDATION**

North West Community Council recommends that Halifax Regional Council approve an annual charge of \$20.00 to each residential property within the mapped area depicted in Appendix A of the staff report dated March 11, 2013 effective with the 2013-14 fiscal year for the purpose of funding the recreational activities of the Three Brooks Homeowner's Association.

## **BACKGROUND**

Three Brooks subdivision is located in the community of Hubley, in District 13. In February 2013, its homeowner's association organized a public information meeting to gauge interest in establishing an annual uniform charge of \$20.00 per residential property to fund recreational activities. Next, in accordance with the Interim Area Rate Guidelines, HRM Finance conducted a mail-in ballot of the 144 residences within the proposed catchment area. This process is outlined in the March 11, 2013 staff report to the North West Community Council.

## **DISCUSSION**

On March 25, 2013, North West Community Council reviewed and expressed support for the charge, noting that close to 50% of property owners had cast a ballot and of those, over 90% had voted in favour of the uniform charge. The North West Community Council subsequently passed the motion contained in the staff report of March 11, 2013.

## **FINANCIAL IMPLICATIONS**

They are outlined in the attached staff report dated March 11, 2013.

## **COMMUNITY ENGAGEMENT**

Affected property owners were invited to a public information meeting on February 13, 2013 and asked to vote for or against the proposal in a balloting process that closed on February 22, 2013. Moreover, all meetings of North West Community Council, including that of March 25, 2013 at which this matter was discussed, are open to the public.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report

## **ALTERNATIVES**

No alternatives were provided.

## **ATTACHMENTS**

Staff Report dated March 11, 2013

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

Report Prepared by: Ted Aubut, Legislative Assistant, 490-6519

**Original Signed**

Financial Approval by:

\_\_\_\_\_  
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

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P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**North West Community Council**  
**March 25, 2013**

**TO:** Chair and Members of North West Community Council

Original Signed

**SUBMITTED BY:** \_\_\_\_\_  
Greg Keefe, Director of Finance & ICT, Chief Financial Officer

**DATE:** March 11, 2013

**SUBJECT:** Uniform Charge for Three Brooks Homeowner's 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 tax 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 Three Brooks Homeowner's Association.

### **LEGISLATIVE AUTHORITY**

- Charter section 96 (1) The Council may spend money in an area, or for the benefit of an area, for any purpose for which the Municipality may expend funds or borrow.
- Charter section 96 (4) The Council may, in lieu of levying an area rate, levy a uniform charge on each (a) taxable property assessment; (b) dwelling unit, in the area.

### **RECOMMENDATION**

It is recommended that North West Community Council recommend to Regional Council that:

An annual uniform charge of \$20.00 be approved to be applied against each of the residential properties within the mapped area depicted in Appendix A of this report effective with the 2013-14 fiscal year for the purpose of funding the recreational activities of the Three Brooks Homeowner's Association.

## BACKGROUND

Three Brooks sub-division is located just off of St. Margaret's Bay Road in the community of Hubley in District 13. The Three Brooks Homeowner's Association (TBHOA) was incorporated under the Societies Act with the Registry of Joint Stock Companies in September 1993. The Association is a not-for-profit, volunteer-led group of local citizens, who are engaged in neighbourhood improvement programs, recreation development, and social activities for all residents of Three Brooks to enjoy.

It is proposed that the uniform charge of \$20.00 per residential property would commence in 2013-14 and be on-going.

## DISCUSSION

The current status of this proposed 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 79(1)(ah) of the Charter states that a 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. The TBHOA intends to use the area rate funds for trail maintenance, social activities, playground upkeep, and beach security.

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; therefore the service is not covered under the rural general tax rate.

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 13. The Councillor for the District, Matt Whitman, has indicated his support for the uniform charge if there is support from a majority of the community for it. The results of the vote are indicated below. Having determined that sufficient support exists, staff has prepared a report in compliance with Step 5 of the Interim Area Rate Guidelines for consideration at the next meeting of the North West 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 the 144 taxable residential 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 February 13, 2013. The results of the ballot are shown below.

**Balloting Results**

|                                    |        |
|------------------------------------|--------|
| Total in Favour of Uniform Charge: | 65     |
| Total Against Uniform Charge:      | 5      |
| Total Ballots Distributed:         | 144    |
| Total Ballots Returned:            | 70     |
| <br>                               |        |
| % Respondents voting For:          | 92.9 % |
| % Respondents voting Against:      | 7.1 %  |
| Response Rate:                     | 48.6 % |

- 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 North West 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 Financial 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 North West Community Council approving the Recommendation contained in this report.

**FINANCIAL IMPLICATIONS**

The uniform charge would take effect in the 2013-14 fiscal year. As all funding is from the uniform charge (i.e. no transfers from the general tax rate), there would be no impact on the HRM General Operating Budget. There is also no impact on the Capital or Reserve Budgets.

The uniform charge of \$20.00 per property applied to the 144 residential properties in the proposed catchment area would provide \$2,880 in revenue annually. A copy of the 2013-14 Operating Budget for the Association is included with Appendix B of this report. Any future change to the uniform charge would require Regional Council's approval.

**COMMUNITY ENGAGEMENT**

In accordance with the Interim Area Rate Guidelines, the public consultation process included a public information meeting, and the mailing of information and a ballot to each property owner in the affected area. Details of the public consultation process are provided in the Discussion section of this report.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**ALTERNATIVES**

North West Community Council could decide not to recommend the uniform charge to Regional Council, or could request changes to the amount or catchment area, or could request additional information prior to approval.

**ATTACHMENTS**

Appendix A: Map of Catchment Area for Proposed Uniform Charge

Appendix B: Copy of Ballot and Information Package mailed to Property Owners

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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, Senior Financial Consultant, 490-6468

**Original Signed**

Report Approved by: Bruce Fisher, Manager, Fiscal Policy & Financial Planning, 490-4493

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Appendix B



REGIONAL MUNICIPALITY

AREA TAX RATE BALLOT

February 1, 2013

FIRST NAME / LAST NAME  
FIRST NAME2 / LAST NAME2  
MAILING ADDRESS  
CITY / PROVINCE / POSTAL CODE

Assessment # AAN  
CIVIC# / STREET / ST TYPE / COMMUNITY / LOT\_TYPE / LOT#

Dear Property Owner:

The Three Brooks Homeowner's Association (TBHIOA) was incorporated under the Societies Act with the Registry of Joint Stock Companies in September 1993. The Association is a not-for-profit, volunteer-led group of local citizens, who are engaged in neighbourhood improvement programs, recreation development, and social activities for all residents of Three Brooks to enjoy.

Please find enclosed in this mailing the following:

1. Letter from the TBHIOA to residents providing details of the goals/plans of the Association
2. Proposed Annual Budget of the Association for April 1, 2013 to March 31, 2014

In accordance with the Halifax Regional Municipality's procedure for implementing area rates, the property owners in the community must be consulted with regard to whether they wish to pay the \$20.00 annual fee to contribute to the projects and activities proposed by the TBHIOA. Each residential 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 all residential properties within the mapped area shown on the reverse side of this letter commencing in 2013.

For more information, please plan to attend the meeting scheduled for **Wednesday, February 13 at 7:00 pm in the cafeteria at Sir John A. MacDonald High School, 31 Scholars Road, Upper Tantallon**. 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 activities of the Association, please contact John Hoyt (H: 876-2722) or Bill Swan (H: 405-2893).

**Please note that all Ballots must be received by Friday, February 22, 2012 (Sorry, but we cannot make any 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 \$20.00 per year to fund the activities of the Three Brooks Homeowner's Association.
  - NO.** I am not in favour of paying an area rate of \$20.00 per year to fund the activities of the Three Brooks Homeowner's Association.

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.

To: All Three Brooks Residents  
From: Your Executive Team  
Subject: HRM Common Dues Collection Proposal

As we communicated in a previous email and will see from the attached material from HRM, we are proposing to HRM that the yearly collection of our Common Dues be collected in the same way as we now collect the Private Roads funding. Currently, with approval of the Private Roads budget at our Annual General Meeting, it is submitted to HRM who in turn add the appropriate amount to each Private Roads lot owner's tax bill. This process has saved a tremendous number of hours for our volunteer treasurer team. In particular, the process has two distinct advantages, first, we receive this essential roads maintenance funding right away from HRM and secondly, the time and money previously spent in the overall collection process, including mailings, late payments or possible non payment liens has been eliminated.

It is our recommendation that this same collection process be implemented for the collection of our Common Dues for all property owners. Common dues, currently only \$20 per lot, are used for such things as trail maintenance, social activities, playground upkeep, beach security etc. Despite the small amount to be collected, we are still faced with the time and money consuming practice of mailing out the Common Dues invoices to each lot owner and then following up with second communications to ensure all funds are received. In short, given the small amount being collected and the effort required to do so, your Executive is recommending the same approach be approved that we have in place now for securing our Private Roads funds.

As you will see in the attached material, there is a formal approval process that must be followed for this recommendation to be implemented, including a residents meeting to review the proposal and answer any of your questions. We invite everyone to review this material and join us at the meeting. Your Executive unanimously supports this proposal as another way to improve the efficiency of our overall funds collection. We hope you agree.

Thank you,

Three Brooks Residents Association Executive

**Three Brooks Homeowners Association**

**Suggested Budget - Year ending MAR 31, 2014**

| <u>Common</u>          | <b>Suggested<br/>2013-14</b> |
|------------------------|------------------------------|
| <b>Revenue</b>         |                              |
| (144 lots @ \$20 each) | <b><u>\$ 2,880</u></b>       |
| <b>Expenses</b>        |                              |
| Accounting             | 400                          |
| Misc/Bank Fees         | 50                           |
| Office                 | 50                           |
| Playground             | 500                          |
| Beach                  | 980                          |
| Recreation/Paths       | 700                          |
| Social                 | 200                          |
|                        | <b><u>\$ 2,880</u></b>       |