



BY-LAW / POLICY COMMITTEE MEETING

Tuesday, July 30th, 2024, 6:00 p.m.
Council Chambers

AGENDA

1. Call to Order
2. Approval of Agenda
3. Review of Minutes
 - a) June 18th, 2024
4. By-Law / Policy, Re:
 - a) Capital Improvement and Development Policy, 6th Draft
5. Review of the By-Law/Policy Priority List
6. Recommendations to Council (if required)
7. Adjournment

By-Law/Policy Committee Meeting

June 18th, 2024 – 6:00 p.m.

Location: Council Chambers

Present: Warden Amanda Mombourquette, Deputy Warden Shawn Samson, Councillor Michael Diggdon, Councillor Brent Sampson, Councillor Melanie Sampson, Stacey Morrison, Appointed Member (Virtually), Troy MacCulloch, Chief Administrative Officer, Chris Boudreau, Director of Public Works, Kathleen Jeffrey, Acting Director of Finance, Shannon Mury, Director of Community Development and Recreation, Shelley David, Municipal Clerk

Call to Order

Warden Amanda Mombourquette called the meeting to order at 6:07 p.m.

Approval of Agenda

Moved by Councillor Brent Sampson, seconded by Councillor Melanie Sampson that the agenda be approved.

Motion carried.

Review of Minutes re: June 10th, 2024

Moved by Councillor Michael Diggdon, seconded by Deputy Warden Shawn Samson that the minutes of the June 10th, 2024, meeting be approved.

Motion carried.

Review of Policies/ By-Laws

a) Capital Improvement and Development Policy, Draft

It was the consensus of the Committee to have staff amend the draft with the recommended changes as discussed.

b) Low Income Tax Exemption Program Policy

Moved by Councillor Brent Sampson, seconded by Councillor Michael Diggdon that the By-Law/Policy Committee recommend that Council proceed with the adoption process for the Low Income Tax Exemption Program Policy as drafted with the changes as discussed.

Motion carried.

c) Purchasing and Tendering Policy

Moved by Councillor Melanie Sampson seconded by Deputy Warden Shawn Samson that the By-Law/Policy Committee recommend that Council proceed with the adoption process for the Purchasing and Tendering Policy as amended.
Motion carried.

d) Flag Policy

Moved by Councillor Michael Diggdon seconded by Councillor Melanie Sampson that the By-Law/Policy Committee recommend that Council proceed with the adoption process for the Flag Policy as amended.
Motion carried.

e) Delegation to appear before the Committee of the Whole Policy

It was the consensus of the Committee to have staff draft a policy combining the Delegation to appear before the Committee of the Whole and the Delegation to appear before Municipal Council policies, to be presented at a future meeting.

f) Street Light Policy

It was the consensus of the Committee to have staff amend the policy as discussed.

Discussion

a) Waste Receptacles at food establishments

The committee discussed waste receptacles at food establishments. The committee agreed to have the Warden draft a letter to drive-through establishments in Richmond County, asking them to consider placing waste receptacles at their establishments.

b) Roaming Farm Animals

The committee discussed roaming farm animals. It was the consensus of the committee to have the Eastern District Planning Commission provide information on the Keeping of Farm Animals as it pertains to the land use bylaws and outline the steps necessary for compliance.

c) Road Trails Designation

The committee discussed the creation of a Road Trails Designation By-Law as permitted by the Nova Scotia Road Trails Act. It was the consensus of the committee to have staff draft a by-law to be presented at a future meeting.

d) Cellphone Use

The committee discussed cellphone use. It was the consensus of the committee to have staff review the Hands Free Cellular Phone Policy dated November 13, 2007. If the policy is no longer necessary, it can be added to the next By-Law/Policy Committee agenda for repeal.

By-Law / Policy Working List

For information only.

Recommend to Council

- Proceed with the adoption process for the following:
 - o Low Income Tax Exemption Program Policy
 - o Purchasing and Tendering Policy, as amended
 - o Flag Policy, as amended

Adjournment

There being no further business, the chair adjourned at 9:00 p.m.

Municipal Clerk

Chairperson



Title **Capital Improvement and Development**

Approved by Council

Date:

Policy Review Notification

Date:

Policy Review

Date:

I certify this to be a true copy of the **Capital Improvement and Development Policy** as adopted by the Municipal Council of Richmond County at a Public Meeting held

_____.

Shelley David
Municipal Clerk

1. **Purpose**

The purpose of this policy is to establish a framework for evaluating and awarding third-party requests for municipal funding for physical infrastructure projects, providing guidance for Council, municipal staff, and the public.

2. **Scope**

This policy applies to all requests for municipal funding for physical infrastructure projects that fall outside the parameters of other funding policies.

3. **Roles & Responsibilities**

3.1. Municipal Council will be responsible to:

- a) review, amend, and adopt the Capital Improvement and Development policy;
- b) support the Chief Administrative Officer (CAO). and staff, in the implementation of the policy; and
- c) review and maintain the Special Purpose Fund through annual contributions in amounts to be determined by Council.

3.2. The CAO will be responsible to:

- a) implement the Capital Improvement and Development policy;
- b) work with Municipal Council to review and award third-party requests for municipal funding for physical infrastructure projects.

- 3.3. The Department Heads will be responsible to:
- a) provide important information and advice to the CAO and Council regarding the review of submissions.

Policy

4. Policy Statement

This policy is established in accordance with section 65 of the Municipal Government Act (MGA), granting Council authority to allocate funds for physical infrastructure within the Municipality. Council affirms its support for the development of physical infrastructure to enhance the well-being of inhabitants and communities and recognizes the importance of evaluating reasonable infrastructure projects for municipal funding support in a thorough and consistent manner.

5. Policy Principles

The following principles will guide the process by which requests for Municipal funding for physical infrastructure projects, or waiver of fees for multi-unit housing developments, will be evaluated.

5.1. Infrastructure Projects

- a) For the purposes of this policy, "infrastructure project(s)": means the construction, installation, or expansion of physical infrastructure within the Municipality and comprising components of a water or sewer system, streets, sidewalks, and gutters, all of which shall be transferred to the municipality upon completion;
 - i) infrastructure must be built to the appropriate standards and adhere to applicable legislation. This may include:
 - Municipality of the County of Richmond Municipal Services Design and Construction Specifications;
 - Standard Specifications for Municipal Services as published by the Nova Scotia Road Builders Association, the Nova Scotia Consulting Engineers Association and the Joint Committee on Contract Documents;



- Atlantic Canada Wastewater Guidelines for Collection, Treatment and Disposal;

- Atlantic Canada Guidelines for the Supply, Treatment, Storage, Distribution, and Operation of Drinking Water Supply Systems

b) but does not include the repair of existing physical infrastructure nor the construction, erection, renovation, or expansion of buildings.

5.2. Multi-Unit Dwelling Developments

a) For the purposes of this policy, "waiver of fees" shall refer to the building/development permits required for any multi-unit development permit issued by Eastern District Planning Commission (EDPC) until further notice.

5.3. Eligible Costs

a) For the purposes of this policy, "eligible costs" shall refer to capital costs expressly identified as eligible costs in the funding contract between the Municipality and the proponent, see Appendix D, Cost Eligibility.

5.4. Municipal Funding for Eligible Costs

a) Municipal funding from various sources, approved pursuant to this policy, shall not exceed 33% of the total eligible costs of the infrastructure project as determined by Council.

b) Provincial and federal funding opportunities must be explored and exhausted.

5.5. Municipal Funding for Permitting Fees

a) Municipal funding requests for permitting fees will follow the application process and criteria for reimbursement as outlined in section 6.8.

5.6. Special Purpose Fund

a) Council shall establish a fund for use in providing Municipal funding to approved infrastructure projects under this policy.

b) The fund shall be maintained through annual contributions in amounts to be determined by Council annually at Budget deliberation in consultation with the CAO and Chief Financial Officer.



6. Process

A typical submission period for when projects can request funding will be August - September. A typical application from submission to signed application is expected to take up to six months for review and processing through the various stages of application, see Appendix E, Project Timeline – Expected.

Projects arising outside of that submission window will be considered on a case-by-case basis and if approved, will be automatically added to the next fiscal year's list if supporting it in the current fiscal year isn't possible. The following process shall apply with respect to requests for Municipal funding for infrastructure projects, subject to:

6.1. Initial Presentation

- a) The proponent seeking funding shall present to Council, in writing using the “Application for Financial Assistance Form, Appendix A, and, if requested orally, shall include a description of the project including but not limited to the following:
 - i. Objective;
 - ii. geographical location;
 - iii. project background / history and any obstacles or physical components;
 - iv. detailed budget, cost projections and projected schedule;
 - v. sources of funding (in addition to Municipal funds being sought), both applied for and/or confirmed.
 - vi. participants (including confirmation of good standing of all corporate; participants), and
 - vii. identified benefit to community or inhabitants.

- b) Council may request that the submission also be presented as a presentation to Council.

6.2. First Stage Decision

- a) The first stage decision will be based on the evaluation of the initial presentation using the “Initial Presentation & First Stage Evaluation Form”, Appendix B.



- b) If Council decides the project will not be considered for funding purposes, the proponent shall be advised and his/ her presentation materials returned.
- c) If Council decides the project should be evaluated further for funding purposes, Council shall refer the presentation to Municipal staff, together with such additional or particular issues or questions as may be identified by Council, for investigation.

6.3. Staff Investigation

- a) Municipal staff shall review the project description/ materials and report on, among other things:
 - i. eligibility for funding under this or any other funding policy;
 - ii. whether the project is objectively reasonable and sound;
 - iii. whether there are any problems with the proponent's data;
 - iv. whether any concerns are identified;
 - v. overall cost-benefit analysis insofar as possible;
 - vi. any collateral information relevant to the project and funding request.
- b) In preparing a Report on the project proposal and funding request, staff may request additional information and particulars from the proponent, with such requests and response to be provided in writing.
- c) Before the Report is finalized, it shall be reviewed by the Director of Public Works and Chief Financial Officer and such other department heads as they consider may have relevant input.
- d) The Report may include recommendations to Council.
- e) The CAO will review the Report prior to presenting the same to Council.

6.4. Presentation of Staff Report

- a) The Staff Report will be presented to Council in Committee of the Whole meeting by the CAO.
- b) The presentation of the Staff Report may include in camera discussion with respect to potential contract issues.



- c) Council may refer the Report back to staff with additional direction for further analysis or comment.

6.5. Second Stage Decision

- a) The second stage decision will be based on the “Second Stage Evaluation Form”, Appendix C.
- b) If Council decides not to fund the project, it shall direct the CAO to notify the proponent in writing that funding is denied. This notice may, in the discretion of Council, include reasons for the denial of funding.
- c) If Council determines that additional information is required from the proponent, Council shall direct the CAO to contact the proponent to request such information and arranging a further presentation. In the event of a further presentation, the additional information shall be referred to staff for further investigation and supplemental report.
- d) If Council decides, based on all available information, to consider funding for the project, Council shall direct the CAO to contact the proponent with a written Expression of Interest.

6.6. Expression of Interest

- a) The Expression of Interest shall be made without prejudice and shall set out, including but not limited to, the following:
 - i. the basis for Council's interest, confirming the materials and information provided by the proponent;
 - ii. the necessary pre-conditions for Municipal funding;
 - iii. the funding limits which will apply;
 - iv. the definition of eligible costs for calculation of Municipal funding;
 - v. the documentation required from the proponent including granting Municipal staff access to design and other documents from sub-contractors and consultants;
 - vi. notice that any Municipal funding shall be conditional on the execution between the parties of a written contract and that only eligible and approved costs shall be funded.



- b) The proponent shall be required to return a signed and dated copy of the Expression of Interest, confirming their intention and willingness to enter into a contract with the Municipality for purposes of funding.

6.7. Third Stage Decision – Funding Contract

- a) Where the proponent has signed and returned a copy of the Expression of Interest, the negotiation of the funding contract can take place.
- b) Council shall refer the negotiation and drafting of the terms of the contract to staff, including consultation with the Municipal Solicitors.
- c) Negotiations shall be conducted on a “without prejudice” basis pending conclusion and execution of a complete written agreement.
- d) No one shall make any commitment to any funding on behalf of the Municipality until the agreement has been approved by majority vote of Municipal Council and fully executed in writing as authorized.
- e) Funding will only be provided after the work is completed satisfactorily and all necessary invoices and proof of payment, etc are provided.

6.8. Municipal Funding for Permitting Fees – Application and Reimbursement

- a) The proponent seeking funding for permitting fees shall provide the request in writing to Council using the “Application for Financial Assistance Form” Appendix A.
- b) Council approves funding requests, up to the full amount, by resolution.
- c) Upon approval, Council will provide a letter to the proponent with the conditional approved amount.
- d) Reimbursement will be granted providing the following criteria are met:
 - i. Completion of project with proof of occupancy permit
 - ii. Original receipts for service are submitted
- e) If all the criteria are not fulfilled, reimbursement will not be granted.



Appendices

Appendix A – Application for Financial Assistance Form

Appendix B – Initial Presentation & First Stage Evaluation Form

Appendix C – Second Stage Evaluation Form

Appendix D – Cost Eligibility

Appendix E – Project Timeline – Expected

Appendix F – Terms and Conditions (Contract)

Related Documents

- [Municipality of the County of Richmond Municipal Services Design and Construction Specifications](#)
- [Standard Specifications for Municipal Services as published by the Nova Scotia Road Builders Association, the Nova Scotia Consulting Engineers Association and the Joint Committee on Contract Documents;](#)
- [Atlantic Canada Wastewater Guidelines for Collection, Treatment and Disposal](#)
- [Atlantic Canada Guidelines for the Supply, Treatment, Storage, Distribution, and Operation of Drinking Water Supply Systems](#)

Policy Review/Amendment Schedule

Date of Review	Formally Advertised and Amended by Council
March 11, April 8, May 27, June 10, June 18, 2024	



Appendix A Application for Financial Assistance

Contact Information

Name:

Organization:

Position/Role:

Email:

Phone:

Address:

Project

Is this project for multi-unit residential development? Yes ___ No ___

Total new units: ___

Application

What is your application for?

A. Municipal funding for Permitting Fees (as per sections 5.2, 5.5, 6.8)

_____ Waiver of Build and Development Permits (up to a max of \$10,000.00 per application)

The following information is required:

- Written Submission along with the completed application form sent to the Municipal Clerk.

Funding for permits is only eligible for payment once an occupancy permit is issued and received by the proponent and presented to the County as per Section 6.8.d of the Policy.

B. Municipal funding for an Infrastructure Project (as per sections 5.1, 6.1- 6.7)

_____ Infrastructure Project (up to a max of 33% of total eligible project costs)

The information is required

- Written Submission along with the completed application form sent to the Municipal Clerk. The information provided will be reviewed and scored using the Initial Presentation and First Stage Evaluation Form, Appendix B.

Your funding request is in the amount of \$ _____. This amount is ___ % of this part of your project.

Funding for Capital is only eligible for payment once the asset is transferred to the County as per Section 5.1.a of the Policy.



B. Municipal funding for an Infrastructure Project (Continued)

Confirmation of Other Grants applied for and Status:

Grant (name of grant program/stream)	Government Level (Mun/Prov/Fed)	Amount (\$) (\$ applied for)	Status (Successful/Unsuccessful, in progress, etc.)

* Please refer to the Capital Improvement and Development Policy for guidelines on eligible projects, fees, and costs, Section 5 and Appendix D - Cost Eligibility.

Process

As per Section 6 of the Capital Improvement and Development Policy and Appendix E - Project Timeline-Expected.

Completed Submissions

Your completed submissions can be sent in person, by email, or by fax to the attention of:

Municipal Clerk
Municipality of the County of Richmond
2357 Hwy 206, Arichat
Nova Scotia B0E 1A0
Email: clerk@richmondcounty.ca
Fax: 902-226-1510



Appendix B Initial Presentation & First Stage Evaluation Form

The following evaluation shall apply to the initial presentation to Council for municipal funding of infrastructure projects. The presentation shall be evaluated based on the following criteria as outlined in section 6.1:

Criterion	Weight	Score
Project Objectives <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Clear articulation of project goals and what it aims to achieve. ○ Alignment of objectives with community needs and the Municipality of the County of Richmond (MOCR) Strategic Plan. 		
Geographical Location <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Description and significance of the project's location. ○ Consideration of local environmental or social impacts. 		
Project Background (History, Lists any obstacles or physical components) <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Historical context and any challenges faced in project development. ○ Identification of physical aspects or obstacles that may impact implementation. ○ Engagement with EDCP for planning to ensure your project meets zoning and other requirements 		
Budget (Cost Projections, Projected Schedule) <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Detailed breakdown of project costs and financial projections. (be sure to highlight project elements that will be eligible for this grant) ○ Realistic timeline for project completion and milestones. 		
Source of Funding (Applied for and confirmed) <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Explanation of funding sources applied for and secured. ○ Confirmation of financial backing or commitments. 		



<p>Participants (Confirmation of good standing of all corporate participants)</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Verification of the credibility and reliability of project partners or stakeholders. ○ Assurance of their capability to fulfill their roles effectively. 		
<p>Identified benefit to community or inhabitants</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Explanation of how the project will positively impact the local community. ○ Anticipated social, economic, or environmental benefits. 		
<p>Identified alignment with Council priorities and the MOCR Strategic Plan</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Demonstration of how the project supports and aligns with the MOCR Strategic Plan and Council priorities. ○ Contribution to long-term municipal objectives and priorities. 		
<p>Maximum Score Possible 100</p>		
	<p>Final Score =</p>	



Appendix C Second Stage Evaluation

The following evaluation shall apply to the second-stage decision for municipal funding of infrastructure projects, based on sections 6.3, and 5.1 (a) (i). The evaluation will be assessed against the following criteria:

Criterion	Weight	Score
<p>Eligibility for funding under this or any other funding policy:</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Whether the project meets the specific eligibility criteria laid out in the municipal funding policy or any other relevant funding policies. ○ Consideration of any regulatory or legal requirements that must be met for funding approval. ○ Verification of the project's alignment with the strategic priorities of the funding body. 		
<p>Objective reasonableness and soundness of the project:</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Evaluation of the project's feasibility, including technical, financial, and operational aspects. ○ Assessment of the project's objectives and the clarity of its expected outcomes. ○ Review of the project's timeline and milestones to ensure they are achievable and realistic. 		
<p>Validity and reliability of the proponent's data:</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Examination of the accuracy and completeness of data provided by the project proponent. ○ Verification of assumptions, methodologies, and sources used to compile project data. ○ Assessment of any potential biases or gaps in data collection that could affect project assessment. 		
<p>Identification and resolution of concerns:</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Identification and evaluation of any potential risks, challenges, or issues related to the project. ○ Consideration of mitigation strategies proposed by the project proponent to address identified concerns. ○ Review of any outstanding questions or uncertainties that require clarification before funding approval. 		



<p>Overall cost-benefit analysis (as far as possible):</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Conducting a comprehensive cost-benefit analysis to evaluate the economic viability and financial sustainability of the project. ○ Comparison of anticipated benefits against projected costs, including both direct and indirect impacts. ○ Consideration of long-term benefits and potential returns on investment relative to the initial funding requirements. 		
<p>Relevance of collateral information to the project and funding request:</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Evaluation of supplementary information, such as environmental impact assessments, feasibility studies, and community impact assessments. ○ Review of additional documentation that supports or provides context for the project proposal. ○ Consideration of how collateral information strengthens the rationale for funding approval. ○ infrastructure must be built to the appropriate standards and adhere to applicable legislation. This may include: <ul style="list-style-type: none"> ▪ Municipality of the County of Richmond Municipal Services Design and Construction Specifications; ▪ Standard Specifications for Municipal Services as published by the Nova Scotia Road Builders Association, the Nova Scotia Consulting Engineers Association and the Joint Committee on Contract Documents; ▪ Atlantic Canada Wastewater Guidelines for Collection, Treatment and Disposal; ▪ Atlantic Canada Guidelines for the Supply, Treatment, Storage, Distribution, and Operation of Drinking Water Supply Systems 		
<p>Alignment with the overall MOCR Strategic Plan:</p> <ul style="list-style-type: none"> • Assessment factors include, but are not limited to: <ul style="list-style-type: none"> ○ Assessment of the extent to which the project aligns with the key goals, objectives, and priorities outlined in the Municipality of the County of Richmond Strategic Plan. ○ Evaluation of the project's potential to contribute to the strategic outcomes and developmental targets set by the municipality. ○ Consideration of synergies with other ongoing or planned initiatives under the strategic plan to maximize impact and efficiency. 		
<p>Maximum Score Possible = 100%</p>		<p>Final Score =</p>



Appendix D Cost Eligibility

Eligible costs include:

- engineering services and project management
- construction inspection and administration
- costs of construction and equipment according to the plans and specifications

Ineligible costs include:

- costs incurred prior to approval
- interim financing costs
- non-fixed assets that are not essential for the operation of the infrastructure project
- operation and maintenance costs
- costs of acquiring land
- leasing land, buildings and other facilities
- real estate fees and other costs
- overhead costs, including salaries and other employment benefits of any employees of the applicant
- expenses already cost shared by other funding programs



Appendix E

Project Timeline - Expected

- Submissions are received from August 1st – September 30th of each year.
- All received projects go to Council in October for Stage 1 (Committee of the Whole).
- Projects are reviewed and progress or are denied by Council.
- The project moves to Stage 2 and can take up to 60 days per application, varying for complexity of the proposed project.
- Project moves for Stage 2 Decision in January or February.
- If Council approves, the project moves to an Expression of Interest stage to refine and clearly define the specifics of the eligible proposed costs and funding contributions from the Municipality.
- If completed and willing, the project then moves to a Funding Contract that will bind both parties: the Municipality and the Proponent.



Appendix F Terms and Conditions

Capital Improvement and Development Terms and Conditions

Project: _____

Project #: _____

Proponent: _____

Approved Grant Funding: _____

The following Appendices form part of the Terms and Conditions:

- Appendix B, C - Statement of Work (Presentation and Evaluation of Project/Scope)
- Appendix D - Cost Eligibility

Funding approval for the above-noted project is subject to the acceptance of the following Terms and Conditions:

1. The purpose of this document is to set out the terms and conditions agreed to by the Proponent in relation to the grant funding that the Municipality ("MOCR") provides to the Proponent to support the delivery of the Proponent's project (hereinafter referred to as the "Project"), as described in Schedule A to this document, and as per the application received by the Municipality.

TERM

2. These Terms and Conditions, herein referred to as the "Agreement", come into effect on the date of the Proponent's signature, and end on _____, unless terminated earlier in accordance with this Agreement.
3. The parties may extend the term of this Agreement by written amendment at any time.

TERMINATION

4. This Agreement may be immediately terminated by the Municipality without further liability, damage, or cost, if, in the opinion of the Municipality, the Proponent has breached or defaulted or failed to comply with any of the terms and conditions of this Agreement and has failed to remedy the same after being given 30 days notice in writing to remedy the breach, default or failure.



5. In the event of termination, any funds provided to the Proponent which remain unspent, or which were provided for a deliverable not yet provided at the date of termination or expiration of this Agreement must immediately be returned to the Municipality.
6. The Municipality may immediately terminate the Agreement if any of the following events ("Termination Events") occur, and such termination events are not cured by the Proponent within 30 days of the Municipality providing notice of the Termination event:
 - a. The Proponent has presented false or misleading information or made false representations.
 - b. The Proponent makes a material misrepresentation or omission or provides materially inaccurate information.
 - c. The Proponent's acts or omissions constitute a substantial failure of performance.
7. the Municipality in its sole discretion may extend the curation period outlined in Article 6, if deemed appropriate in the circumstances.

DISPUTE RESOLUTION

8. The Parties will use reasonable efforts to find a satisfactory resolution to any conflict regarding the interpretation or application of this Agreement.
9. The Parties will in good faith endeavour to resolve differences, conflicts or disagreement through direct dialogue and discussion.

ROLES AND RESPONSIBILITIES

10. The approved grant funding amount of \$_____ will be provided to the Proponent by the Municipality following the Proponent's signature on this Agreement, and the delivery of the signed Agreement to the Municipality, and before _____.
11. All references to monetary amounts in this Agreement or any Schedule shall be to Canadian dollars.
12. The grant funding provided by the Municipality under this Agreement is to fund up to 33% of eligible costs for the Project to maximum approved amount. The Proponent must fund the remaining cost of the Project from other sources.
13. The Proponent will use the grant funding for eligible costs as detailed in Schedule B to this Agreement, for the purpose of carrying out the Project as detailed in Schedule A to this Agreement, and for no other purpose.
14. The Proponent will immediately notify and seek approval from the Municipality in writing if it becomes aware of any significant changes in circumstances that may affect the project timelines or scope.
15. The Proponent will be responsible for any costs incurred in carrying out the project over and above the approved amount.



16. The Project must be completed by the end date included in Schedule A (the "End Date") unless otherwise agreed to in writing. If the Project may not be completed by the End Date, the Proponent is responsible to notify the Municipality at least one month prior to the End Date in writing. Rationale for why the project will not be complete by the specified End Date must be included in the notification.
17. The Proponent must submit to the Municipality a Project Closeout Report, Statement of Expenditures (including invoices and proof of payment) and confirmation of project outcomes achieved, as the Proponent identified in the application, for approval within 60 days of the project end date. the Municipality will provide the required reporting templates.
18. The Municipality will request Project Status Reports to monitor project status and identify any risk to schedule, scope, or outcomes.
19. The Proponent will refund to the Municipality any unexpended portion of the grant funding and any amounts expended for purposes other than for those specified in this Agreement.
20. The Proponent shall, without limiting their obligation or liabilities and at the Proponents' own expense, provide, maintain, and pay for, any and all insurance, including that required under the Workers Compensation Board, which it is required by law to carry, or which it considers necessary.
21. If the Proponent engages contractors or subcontractors for the purpose of performing the Proponent's obligations under this Agreement, the Proponent will ensure that it takes prudent and reasonable steps in selecting contractors or subcontractors. The Proponent will ensure that contractors or subcontractors engaged have appropriate commercial general liability insurance, however, such insurance shall not be required by contractor or subcontractors carrying out solely administrative tasks such as research, inspection, or evaluation services.
22. Unless otherwise agreed to, the Proponent shall follow the intent of the Nova Scotia Government Procurement Policy in awarding contracts.
23. Only with the written approval of the Municipality may the Proponent manage the project with its own staff.
24. The Proponent cannot claim any portion of Provincial sales tax, goods and services tax, or harmonized sales tax for which the Proponent is eligible for a rebate, and any other costs eligible for rebates.
25. The Proponent will keep proper and accurate financial accounts and records, including but not limited to its contracts, invoices, statements, receipts, and vouchers, in respect of each Project it participates in for at least six (6) years after the Agreement End Date and that the Province has the contractual right to audit such accounts and records.
26. The Proponent will ensure all Municipal funding provided is only used for eligible project costs as identified in Schedule B (Cost Eligibility).
27. The Proponent shall ensure that the Project is conducted in compliance with all applicable laws.



INDEMNITY

28. The Proponent shall indemnify and hold harmless the Municipality, its Council, employees, servants and agents from and against all damages, costs, losses, expenses (including legal fees), claims, demands, actions, suits or other proceedings of any kind or nature, in relation to the Project, which they, or any of them, may at any time incur or sustain as a result of or arising directly or indirectly and whether by reason of anything done or omitted to be done, as a result of negligence or otherwise, from the performance of any default or delay in the performance of the Proponent's obligations under this Agreement. Notwithstanding the foregoing, the Proponent shall not be liable for any indirect or consequential damages sustained by the Province of Nova Scotia.
29. The Municipality shall not be liable for any loan, capital lease or other long-term obligation in relation to the Project.

CONFLICT OF INTEREST

30. The Proponent confirms and warrants that it will, for the duration of this Agreement, avoid and immediately notify the Municipality of any interest, pecuniary or otherwise, in any business matter that would put it in a real and/or apparent conflict of interest. The Proponent shall immediately notify the Municipality, in writing should any real and/or apparent conflict of interest arise that could have a direct impact on the Municipal contribution to the Project.

AUTHORITY

31. The signatories of this Agreement personally warrant that they have the full power and authority to enter into this Agreement on behalf of their respective principals and that the person signing this Agreement on behalf of each has been properly authorized and empowered. Each party further acknowledges that it has read the Agreement, understands it, and agrees to be bound by it.
32. This Agreement (and any amendments) may be signed in several counterparts. A copy of a signed counterpart may be delivered by fax, PDF email or other electronic means which shows a reproduction of the signature, and the copy will be deemed to be a signed original.
33. All representations and obligations contained in this Agreement on the part of each of the Parties expressly or by nature shall survive the early termination or expiration of this Agreement until they are satisfied or until they expire by nature.
34. **This Agreement must be signed and returned by _____, unless otherwise agreed to in advance by the Municipality. Failure to do so may result in loss of grant funding.**

On behalf of the Proponent, I accept and agree to the above Terms and Conditions for project _____, which was approved for up to 33% of total eligible costs to maximum approved amount of \$_____.00.



THE MUNICIPALITY OF THE COUNTY OF RICHMOND
LA MUNICIPALITÉ DU COMTÉ DE RICHMOND

Name of Person Authorized: _____

To Sign: _____

Title: _____

Organization: _____

Phone: _____

Email: _____

Signature

Date

**Please return a scan of signed Agreement form to the Municipality via the email:
clerk@richmondcounty.ca**